

\$~35

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **RFA 712/2017**

VIJAY KUMAR

..... Appellant

Through: Mr. Shekhar Nanavaty, Adv.

versus

ALKA KAPOOR

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

%

09.08.2017

CM No. 28493/2017 (Exemption)

Exemption allowed subject to just exceptions.

CM stands disposed of.

RFA No. 712/2017 and CM No. 28492/2017 (stay)

1. Learned counsel for the appellant argues that even if Smt. Krishna Kumari has to be taken as the owner of the suit property then it was pleaded by the appellant/defendant that the sale deed executed by Smt. Krishna Kumari in favour of the respondent/plaintiff was hit by fraud and cheating, and therefore, respondent/plaintiff was not the owner of the suit property, and therefore, the suit could not have been decreed by applying Order 12

Rule 6 CPC.

2. Notice be issued to the respondent, on filing of process fee, both in the ordinary method as well as by registered AD post, returnable on 1st December, 2017.

3. Till further orders unless varied by the Court, there shall be stay of operation of the impugned judgment dated 4.7.2017 in Civil Suit No. 100/2017 titled as ***Smt. Alka Kapoor Vs. Sh. Vijay Kumar.***

4. *Dasti.*

VALMIKI J. MEHTA, J

AUGUST 09, 2017
ib