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

+ RFA 689/2018

JAMIR AHAMED

..... Appellant
Through: Mr. Anil Tejan, Advocate (M.
No.9910149872).

versus

NAND KISHAN GARG

..... Respondent
Through

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **05.02.2019**

C.M. No.5534/2019 (under Section 151 CPC)

1. This application seeking permission to deposit the decretal amount in instalments filed by the appellant cannot be filed before this Court inasmuch as power to grant payment of decree by instalments is with the executing court in terms of Article 126 of the Limitation Act, 1963.

2. At this stage, counsel for the appellant/judgment debtor states that an application for payment in instalments was filed before the executing court but the same was dismissed, and if that is so the remedy of the appellant will be to challenge such an order of dismissal of the application for payment in instalments, and in a disposed of matter this application

cannot be moved when the appeal of the appellant has been dismissed by the judgment of this Court dated 24.8.2018.

3. Dismissed.

VALMIKI J. MEHTA, J

FEBRUARY 05, 2019
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