

\$~1

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

+ RFA 122/2018 and C.M. Nos.4870/2018 (stay), 4871/2018 (exemption) & 4872/2018 (for condonation of delay)

SURINDER SINGH

..... Appellant

Through: Mr. A.S. Chadha, Advocate with Mr. Rajeew Saxena, Advocate, Mr. Manish Khurana, Advocate, Mr. Rachit Sahney, Advocate and Ms. Namrata Chauhan, Advocate.

versus

PARVINDER SINGH

..... Respondent

Through: Mr. Kirti Uppal, Senior Advocate with Mr. R.K. Tarun, Advocate, Mr. Pranvir Sethi, Advocate and Mr. Aditya Awasthi, Advocate.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **22.05.2018**

1. After arguments, it is agreed that the impugned judgment dated 11.5.2017 be set aside inasmuch as the suit could not have been disposed of by applying Order 12 Rule 6 of Code of Civil Procedure, 1908 (CPC) inasmuch as there are serious disputed questions of facts that partition had already taken place as is the case of the appellant/defendant. This appeal is therefore allowed and the impugned judgment dated 11.5.2017, with consent, is set aside.

2. Parties to appear before the District & Sessions Judge (Central), Tis Hazari Courts, Delhi on 10th July, 2018 and the District & Sessions Judge will mark the suit for disposal to a competent court in accordance with law.

VALMIKI J. MEHTA, J

MAY 22, 2018
Ne