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IN THE HIGH COURT OF DELHI AT NEW DELHI

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RFA 855/2017

KAPIL PATHAK

..... Appellant

Through: Mr. Rakesh Tikku, Sr. Advocate with
Mr. Aman Sareen and Mr. Nishant
Pathak, Advocates (Mobile No.
9810289960).

versus

R C K LEASING & FINACING PVT LTD

..... Respondent

Through: Mr. Satish Sahai, Advocate (Mobile
No. 9811029493).

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

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07.01.2019

1. After arguments, this appeal is disposed of with the consent order that the appellant will deposit 50% of the amount claimed in the suit as on the date of filing of the suit in the trial court without prejudice to the respective rights and contentions, within a period of six weeks from today. Subject to this 50% of the suit amount being deposited by the appellant/defendant in the trial court within six weeks from today, appellant/defendant is granted leave to defend the suit. It is also agreed that none of the parties will get more than four opportunities to complete evidence-in-chief of their witnesses, failing which right to lead evidence of that party which does not complete examination-in-chief of his/its witnesses in four opportunities, will stand closed.

RFA 855/2017

page 1 of 2

2. Trial court will expedite the disposal of the suit and the trial court will ensure that final arguments are completed within a period of four months of completion of recording of evidence.
3. Appellant/defendant will file written statement on the first date which is fixed before the concerned trial court, and which concerned trial court will be designated by the District and Sessions Judge, West District, Tis Hazari Courts, Delhi.
4. The appeal is accordingly disposed of in terms of the aforesaid consent order.
5. Parties to appear before the District and Sessions Judge, West District, Tis Hazari Courts, Delhi, on 28th January, 2019 and the District and Sessions Judge will now mark the suit for disposal to a competent court in accordance with law and the observations made in the present order.

VALMIKI J. MEHTA, J

JANUARY 07, 2019

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