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

+ **EFA(OS) 13/2023 and CM APPL. 61079/2023**

SHRIKISHAN GIRI AND ANR

..... Appellants

Through: Mr Anirudh Bakhru with Mr Ayush Puri, Advocates.

versus

SIMMI DHAWAN AND ORS

..... Respondents

Through: Mr Sanjeev Anand, Sr. Advocate with Ms Kajal Chandra, Ms Perna Chopra and Ms Sakshi Anand, Advocates.
Mr Sumit Goswami with Ms Taniya Bansal, Advocates for respondent no.2.
Mr Sudhir Kumar with Ms Swati Tayal, Advocates for respondent nos.9 & 10 in CM Appl. 61079/2023.

+ **EFA(OS) 1/2024, CM APPL. 520/2024, CM APPL. 521/2024 and CM APPL. 522/2024**

IDFC FIRST BANK LIMITED

..... Appellant

Through: Mr Anirudh Bakhru with Mr Ayush Puri, Ms Pragya Choudhary, Ms Umang Tyagi, Mr Kanav Madnani, Ms Vijay Laxmi Rathi and Mr Sultan Haider Jafry, Advocates.
Mr Sumit Goswami with Ms Taniya Bansal, Advocates.

versus

MRS. SIMMI DHAWAN & ORS.

..... Respondents

Through: Mr Sanjeev Anand, Sr. Advocate with Ms Kajal Chandra, Ms Perna Chopra and Ms Sakshi Anand, Advocates.



CORAM:
HON'BLE MR JUSTICE RAJIV SHAKDHER
HON'BLE MR JUSTICE AMIT BANSAL

ORDER
05.01.2024

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[Physical Hearing/Hybrid Hearing (as per request)]

1. These appeals are directed against a common judgment dated 04.07.2023 passed by the learned Single Judge in Ex. P. 107/2019 and Ex. APPLs. (OS) 909/2019, 359/2020, 1071/2020, 221/2021, 668/2021 and 1078/2021.

2. We have heard the learned counsel for the parties for some time. Counsel for the parties have agreed that the instant appeals can be disposed of based on following directions:

(i) In addition to the issues already framed by the learned Single Judge *via* order 06.09.2023, the following issue will also be adjudicated in the pending execution petition:

Whether the gift deed dated 12.11.2003 executed by Ms Padma Malhotra in favour of the judgment debtor i.e., Mr Naveen Malhotra is a genuine and valid document in the eyes of law? [OPDH]

(ii) The appellants will have leave to move an application before the learned Single Judge in the pending execution petition for framing an additional issue (apart from the one above) *qua* limitation concerning the application moved by the decree holder under Order XXI Rule 97 Code of Civil Procedure, 1908 [in short, "Code"]. In case such an application is filed, the decree holder will have liberty to resist the same.

3. It is ordered accordingly. The appeals are disposed of in the aforesaid

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terms.

4. Pending applications shall also stand closed.

RAJIV SHAKDHER, J

AMIT BANSAL, J

JANUARY 5, 2024 / tr

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