

Ex. No. 18/15

30.08.2017

Present: Sh. S P Rana, counsel for DH.

Ms. Nistha Gupta, proxy counsel for Sh. Vipin Bhaskar
counsel for defendant.

Perused the earlier ordersheet.

It is important to note that settlement was arrived in the Mediation centre between the parties to the execution petition on 12.8.2015 and pursuant there to some installments were paid but further payment was not made. Counsel for JD submits that JD made payment of 3 installments and subsequently payment could not be made on account of JD having no assets and income for making the payment. It is submitted that affidavit of JD no. 2 and 3 as to their assets have been filed on record.

I have gone through those affidavits and deem it proper to have appearance of both JD's no. 2 and 3 namely Sudhir Kumar Awasthi and Ms. Jyoti Awasthi for making inquiries in respect of the averments made in the affidavit and further inquiries as to their source of income and inquiries connected therewith in as there is nothing merely from the details mentioned in the affidavit of the two, in the absence of their having been declared insolvent, to make any inference that they are not in a position to make any payment. To find out the

bonafide of the submissions made their appearance is necessary, they are directed to appear without fail.

Put up on 03.11.2017.

(Vipin Kumar Rai)

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ADJ-03(E):KKD:DELHI/30.08.2017