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

+ RFA 38/2021

PRADEEP KUMAR & ANR.

..... Appellants

Through: Mr.Ankit Jain and Mr.Vishal Saxena,
Advs.

versus

GEETA YADAV & ORS.

..... Respondents

Through: Ms.Meenakshi Garg, Adv. for R-4

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **18.02.2021**

CM No. 6317/2021

An issue of the maintainability has been raised by the learned counsel appearing for the respondent Nos. 1 to 3 that the application for impleadment of the appellants having been dismissed by the Trial Court which remained unchallenged, the appellants cannot now file an appeal against the impugned judgment / decree dated December 16, 2020.

Even though, Mr.Ankit Jain, learned counsel for the appellants, in support his submissions has relied upon Section 105 of CPC and certain judgements, I find that the judgments does not specifically deal with the facts, which arise for consideration in this appeal. Mr.Jain seeks two weeks' time to refer to the judgments more particularly in the facts of this case.

I have been informed by Mr.Jain that the execution proceedings are listed before the Executing Court on February 19, 2021, i.e. tomorrow. Appropriate shall be for the respondent Nos. 1 to 3 to seek an adjournment



in the execution proceedings to a date beyond the date fixed by this Court in these proceedings.

List on April 19, 2021, the date already fixed.

V. KAMESWAR RAO, J

FEBRUARY 18, 2021/bh