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

+ **RFA(OS) 73/2016**

PRAVEEN SINGH & ANR

..... Appellants

Through

Mr. Ravi Gupta, Sr Advocate

instructed by Mr. L.B.Rai, Advocate

versus

ABHISHEK KUMAR SINGH & ANR

..... Respondents

Through

Mr. Rajiv Tyagi, Advocate instructed

by Mr. Divakar Kumar, Advocate

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MS. JUSTICE PRATHIBA M. SINGH

ORDER

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25.05.2017

RFA(OS) 73/2016 & CM No. 34497/2016

After some hearing, learned counsel for parties have agreed and stated that the appeal to be disposed of in the following terms:

- (i) The impugned order is set aside without commenting on merits and the suit is remanded back for expedited trial by appointment of a Local Commissioner.
- (ii) Parties will appear before the learned Single Judge on 4th July, 2017.
- (iii) The learned Single Judge to frame issues preferably on 4th July, 2017 in CS (OS) 512/2015.
- (iv) IA No. 3884/2015 u/O XXXIX R. 1 & 2 CPC filed by



respondent no.1 stands revived and will be heard and taken up for consideration. The appellants shall file an affidavit stating the details of their immovable and movable assets including fixed deposit receipts and shares of themselves as also their respective spouse/s and minor children. It will be open for the appellants to state in the said affidavit if the said assets have been purchased out of the personal funds or income of the spouse. Till the next date of hearing in IA No. 3844/2015 i.e. 4th July, 2017 the appellants will not sell or dispose of the immovable properties or the shares without the permission of the learned Single Judge. The FDRs can be renewed from time to time but will not be encashed without the permission of the learned Single Judge till 4th July, 2017.

- (v) The appellants and respondent no.1 will file list of witnesses within 15 days of framing of issues and evidence thereafter will be recorded before Local Commissioner and would be completed within three months. List of witnesses would not consist of more than four witnesses on the side of Appellants and Respondents respectively. The fee of local commissioner will be equally borne and paid by the two appellants and the respondents.

2. The statements made by learned counsel for the parties are without prejudice to their rights and contentions and should not be construed as



accepting the claims and submissions of any party.

3. Learned counsels for the parties submit that they will be seeking and praying for an early disposal.
4. The appeal is disposed of in aforesaid terms, without any order as to costs. We have not commented on merits of the case.

SANJIV KHANNA, J

PRATHIBA M. SINGH, J

MAY 25, 2017
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