

GP 22/23 & GP 27/2023
ANEELA Vs. STATE

23.11.2024

Present : Sh. Akshay Dhawan, Ld. Counsel for petitioner in GP No. 22/23.
Sh. Parveen Pahuja, Ld. Counsel for petitioner in GP No. 27/23.
Sh. Sidhant Saraswat, Proxy counsel for the applicant, who has moved application under Order 1 Rule 10 CPC in GP No. 27/23.

This is common order in petitions no. GP No. 22/23 and GP No.27/23.

Reply to the application under Order 1 Rule 10 CPC stands filed.

Proxy counsel for applicant requests for adjournment stating that main counsel has bad throat and due this reason, he is unable to appear and argue.

Heard. Adjournment is allowed.

Vide order dated 12.12.2023, both the petitions were consolidated and petition GP No. 22/23 was ordered to be treated as leading case wherein all the proceedings shall be recorded. But despite this specific directions, statement of the petitioner as PW1, recorded on 08.05.2024 only concerning GP No. 22/23.

Counsel for petitioner in GP No. 27/23 submits that he has sent consolidated evidence affidavit to the counsel for petitioner in GP No. 22/23 but he refused to take that. On the other hand, counsel for petitioner in GP No.22/23 denies of having received any consolidated affidavit.

Petitioner is stated to be in Dubai at present. On the last date of hearing, she was directed to appear in person or through VC. In the morning she had appeared through VC but she was unable to answer queries put by the Court in the clear manner.

Both the counsels for the petitioner are not on the same page regarding these two petitions. As told by the Ld. Counsels, two properties i.e. subject matter of these two petitions, are sold by the petitioner to different property dealers by agreement to sell. The said property dealers are not party before this Court. The purpose of the provision of law is to see the welfare of the children and same would be paramount consideration before the Court while deciding these petitions.

There should have been consolidated evidence in compliance of order dated 12.12.2023 but since counsel for petitioner in GP No.27/223 wants to re-examine the petitioner, he is allowed to do so.

Put up for re-examination of the petitioner and arguments on application under Order 1 Rule 10 CPC, for **19.12.2024.**

(SANJAY GARG-I)
Principal District & Sessions Judge (Central)
Delhi/23.11.2024_(ak)