

2 CS DJ ADJ 17109/16

ASHA DIXIT Vs. PRADEEP KUMAR SHARMA AND ANR.

20.09.2025

Present: Sh. Ravi Dagar and Sh. Rishikesh Singh, Ld.
Counsel for Plaintiff.
Sh. Prakash Kumar, Ld. Counsel with Defendant
no.1.
Ld. Counsel for Defendant no.2 through VC.
Sh. Abhishek, Ld. Counsel for proposed Defendant
no. 4(c) and 4(d).

Affidavit has been filed today in terms of previous order.

Affidavit filed by defendant no.1 has been considered.

Surprisingly, in the WS filed by the defendant no.1 on 23.08.2016, the averments are completely different from the the statement made on oath in the affidavit furnished in the court today.

In the WS, more specifically, in para 4, there is a claim that defendant no.1 is no longer the owner, as the property has been sold on 14.02.2004 and possession handed over to defendant no.2. Other than that, there is no claim of sale of any other portion of the suit property to any other person.

It is not in dispute, as far as defendant no.2 is concerned that, only 256 Sq. Yards was sold on 27.10.2004 and 70 Sq. Yards was subsequently sold on 05.10.2011, pursuant to a settlement arrived at before another court. Other than that, the claim that remaining portions of the property were sold in the year 1996, 1998 or long back between 1996 to 2004, does not

find any mention in the WS, which is duly supported by an affidavit.

Therefore, either the affidavit filed supporting the contents of the WS is to be taken as a false affidavit or the affidavit filed today has to be taken as false, as two different claims cannot stand, from one party, on oath.

In these circumstances, show cause notice, as to why formal complaint for committing perjury be not made against the defendant no.1 to the Ld. CJM concerned, is also issued to the defendant no.1, also, considering the fact that in today's affidavit nothing has been mentioned about the consideration received by the defendant no.1. The claim that the entire property stood sold should have been mentioned in the WS from day one and by way of present affidavit, the defendant is trying to cover up the transactions made by him and disclosed by him only on the last date of hearing.

Written response to the show cause notice be filed within 15 days and oral hearing will be given to the defendant no.1 before making a complaint.

List on **18.10.2025** at **02.00 PM**.

(HARJYOT SINGH BHALLA)
DJ-03, SOUTH-WEST, DWARKA
NEW DELHI/20.09.2025