

IN THE COURT OF MR. SATYABRATA PANDA, DJ-04,
PATIALA HOUSE COURTS, NEW DELHI

24 CS 203-20

SH. RAJESH KUMAR Vs. SMT. PHOOLWATI

28.02.2025

Present: Sh. Aditya Singh, Ld. Counsel for plaintiff.
Sh. K. Gangadharan and Ms. Poonam Sharma, Ld.
Counsel for defendant.

Ld. Counsel for the defendant has paid costs of Rs.5,000/- to the Ld. Counsel for the plaintiff.

Ld. Counsel for the defendant has filed an affidavit dated 27.02.2025 of the defendant which is stated to be in terms of orders dated 23.12.2024 and 03.02.2025. Copy has been supplied.

Ld. Counsel for the plaintiff has submitted that in this affidavit dated 27.02.2025, the defendant was stating that she was co-owner in the property bearing no.A-10, Village Mohammadpur, New Delhi, whereas in the earlier affidavit dated 03.01.2023 filed by the defendant during the consideration of the application u/o 38 Rule 5 CPC, she had stated that she did not own any immovable property. It is further submitted that whereas in the present affidavit dated 27.02.2025, the defendant is claiming to be receiving income through rents, in the previous affidavit dated 03.01.2023, she had stated that she was having no source of income. It is further submitted that whereas in the present affidavit dated 27.02.2025, the defendant was stating that she was only a co-owner in the aforesaid property, however, in the written statement filed by the defendant in another matter being CS no.431/2022, titled as Neelam & Anr. Vs. Phoolwati and Ors, in which the defendant herein was also a party, the

defendant had taken the stand that she was the sole and absolute owner of the entire property. Ld. Counsel for the plaintiff has further submitted that even in the present affidavit dated 27.02.2025, the defendant has not given full disclosure of all the tenants in the aforesaid property. It is submitted that the defendant has been deliberately concealing the true and correct facts and is also taking contrary stands so as to frustrate the proceedings.

At this stage, Mr. K. Gangadharan, Ld. Counsel for the defendant submits that he does not wish to remain engaged in the present matter and that he may be discharged from the case. Ld. Counsel for the defendant further submits that he would be giving an intimation/communication to the defendant of his seeking discharge in the matter and for the defendant to make alternative arrangements for her representation in the matter. Ld. Counsel submits that he shall also communicate copy of today's order to the defendant. Ld. Counsel submits that he shall also file copy of such communication with proof of service within one week.

The defendant is directed to remain present in person on the NDOH for her examination.

Relist for further proceedings on **22.03.2025**.

At request, copy of order be given *dasti*.

(SATYABRATA PANDA)
District Judge-04
Judge Code- DL01057
PHC/New Delhi/28.02.2025