

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

11 CS 203-20

SH. RAJESH KUMAR Vs. SMT. PHOOLWATI

20.08.2025

Present: Sh. Aditya Singh, Ld. Counsel for plaintiff along
with plaintiff in person.
Sh. J.L. Joel, Ld. Counsel for defendant
Sh. R.K. Sonkiya and Sh. Naveen Kumar, Ld.
counsels for defendant.
Defendant in person.
Ms. Saumya Mani Tripathi, Ld. counsel for
summoned witness of Axis Bank.

Sh. J.L. Joel, Ld. counsel for defendant submits that
he may be discharged from the matter and that he has returned
the case file to the defendant.

Accordingly, Sh. J.L. Joel, Ld. Counsel for
defendant is discharged from the matter.

At this stage, Sh. R.K. Sonkiya and Sh. Naveen
Kumar have entered appearance on behalf of the defendant and
have filed *Vakalatnama*.

PW-2, PW-3 and PW-4, being summoned witnesses
to produce records, have appeared in response to the summonses.

Ld. counsels for the defendant have requested for an
adjournment on the ground that they have been recently engaged
and need to prepare for the matter.

However, Ld. counsel for the plaintiff has
vehemently opposed the request for adjournment and has
submitted that the defendant has been deliberately delaying the
suit proceedings and also that the summoned witnesses are only
officials from various authorities and banks who have been only
summoned to produce records and nothing more.

The request for adjournment made by the Ld. counsels for defendant is declined.

PW-2 and PW-3 have been examined and stand discharged.

In respect of PW-4, his examination in chief has been conducted in part and further examination is deferred. PW-4 is bound down for the NDOH.

Diet money has been paid on the spot.

It is pertinent to record that after the request of the Ld. counsels for the defendant for adjournment was declined and the matter was proceeded forward for examining the witness present, at such stage, inexplicably, Ld. counsels for the defendant as well as the defendant herself simply left the Court room. Hence, there is no cross-examination of PW-2 and PW-3 despite opportunity.

The other witnesses who were summoned *vide* previous order dated 06.08.2025 have not appeared.

Ld. counsel for the plaintiff has submitted that the other witnesses may not have appeared since the summons issued to the witnesses inadvertently directed the witnesses to appear today at 2 pm.

The matter is passed over for 2 pm today.

(SATYABRATA PANDA)
District Judge-04
Judge Code- DL01057
PHC/New Delhi/20.08.2025

At 2 pm

Present: Sh. Aditya Singh, Ld. Counsel for plaintiff.
None for defendant.

None has appeared on behalf of the defendant.

PW-5, PW-6, PW-7, PW-8, PW-9, PW-10, PW-11 and PW-12 have appeared in response to the summonses and they have been examined and also stand discharged. Since there has been no appearance on behalf of the defendant, there is no cross-examination of these witnesses despite opportunity.

Sh. Raja Sekran, D.E.O, Sub-Registrar- VII-A, Sarojini Nagar, has appeared and has requested for some more time to produce the summoned record. The said witness is bound down for the NDOH.

Ld. counsel for plaintiff has submitted that inadvertently in paragraph 3(l) of the application u/o 16 Rule 1 CPC for summoning witnesses, the plaintiff had mentioned the concerned clerk/*Ahlmad* from the Court of the Ld. DJ-05, NDD, PHC to produce record of CS no. 57122/2016 and Ex. No. 27/2023 titled as "*Sh. Narender Dalal Vs. Phool Wati*", whereas, the summons ought to have gone to the concerned clerk/*Ahlmad* in the Court of the Ld. DJ-03, PHC, NDD, since the aforesaid matters were disposed of by the said Court.

Let summons be issued to the concerned clerk/*Ahlmad* of the Court of Ld. DJ-03, PHC, NDD, to produce the aforesaid record. Plaintiff to take steps.

Relist for further plaintiff's evidence on **25.09.2025**.

(SATYABRATA PANDA)
District Judge-04
Judge Code- DL01057
PHC/New Delhi/20.08.2025