

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

105

Civil Revision No.6020 of 2014 (O&M)
Date of Decision: April 07, 2016

M/s Super Vehicles Fabriques and others

...Petitioners

Versus

Ankur Rampal and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Ajaivir Singh, Advocate
for the applicants-petitioners.

Mr. Deepak Arora, Advocate
for respondent Nos.1 and 2.

Mr. Rajesh Khurana and Mr. Ajay Sharma, Advocates
for respondent Nos.3 and 4.

AUGUSTINE GEORGE MASIH, J.

CM No.25709-CII of 2014

Prayer in this application is for permission to place on record document Annexure A-1 and for exemption from filing the certified and typed copy of the same.

Application is allowed.

Document Annexure A-1 is taken on record and exemption from filing the certified and typed copy thereof is granted subject to just exceptions.

CR No.6020 of 2014

The present revision petition came up for hearing on 31.03.2016 when the counsel for the petitioners had referred to page 5, 6 and 7 of the revision petition to contend that a suit was filed by Shri Ankur Rampal on 25.09.2004, wherein order dated 14.12.2010 was passed by Shri Sunil Kumar, Civil Judge (Junior Division), Chandigarh,

which was reproduced at page 6 of the petition to which the counsel for respondents 3 and 4 had objected by stating that the said order has not been passed in the said suit and the petitioners had wrongly reproduced the said order. He further stated that there is no suit filed by Ankur Rampal on 25.09.2004 as asserted by the petitioners. On the basis of the arguments of the counsel for the parties, following order was passed on 31.03.2016:-

“Counsel for the petitioners is directed to produce the interpleader suit filed by Ankur Rampal on 25.09.2004 and order dated 14.12.2010 passed by Shri Sunil Kumar, Civil Judge (Junior Division), Chandigarh, as has been reproduced at page 6 of the paper book.

Adjourned to 07.04.2016.

To be shown in the urgent list”.

In compliance with the aforesaid order, CM No.25709-CII of 2014 was filed, wherein the petitioners had sought inspection of the judicial file and a photocopy of the order dated 14.12.2010 from the trial Court. The said application is dated 06.10.2014 which is appended as Annexure A-1 but the said application has been declined. However, the counsel for the petitioners could not dispute the fact that no interpleader suit was filed by Ankur Rampal on 25.09.2004 and the order dated 14.12.2010 passed by Shri Sunil Kumar, Civil Judge (Junior Division), Chandigarh, which has been reproduced at page 6 of the revision petition has been passed in *Civil Suit No.252* filed on 16.11.2000 titled as *M/s Super Vehicle Fabrique and others Versus Chaman Lal Rampal through legal heirs and others*. The said suit was admittedly filed by the petitioners, wherein a suit for interpleader under Section 88 of the Civil Procedure Code, 1973, read with Order XXXV Rule 1 was preferred and the petitioners have withdrawn the

same on 14.12.2010.

It is apparent from the above that the petitioners have misled this Court by misstating the facts and have tried to overreach the Court by twisting the facts in such a manner so as to get undue benefit.

The present revision petition has been filed challenging the order dated 09.07.2014 passed by the Rent Controller, U.T., Chandigarh, whereby the application preferred by the petitioners for adjourning the proceedings *sine die* till the decision on the application preferred by them for determining the landlord of the demised premises as there is a dispute between the legal heirs of Shri Chaman Lal Rampal, who had entered into an agreement dated 14.05.1990 renting out the open area measuring 55 feet X 30 feet and one small room in Plot No.181/42, Phase I, Industrial Area, Chandigarh, who expired on 07.03.2000. The provisional rent assessed by the impugned order dated 09.07.2014 has also been challenged. What has been asserted by taking benefit of the order dated 14.12.2010 passed by Shri Sunil Kumar, Civil Judge (Junior Division), Chandigarh, is that the rent has already been paid upto December, 2010, by asserting that the said order has been passed in a suit filed by Ankur Rampal on 29.05.2004 which suit has been withdrawn by him by order dated 14.12.2010. The relevant portion of para 1 as contained on pages 5 to 7 read as follows:-

“In the suit filed by Sh. Ankur Rampal on 25.09.2004, the petitioner had already paid rent upto December, 2010 which is evident from the order dated 14.12.2010. The said order reads as under:-

*“Present: Plaintiff with counsel Sh. A.K. Sharma, Adv.
Sh. Rajesh Khurana, counsel for the defendant.*

Case was fixed for filing reply to application for dismissal of suit. Reply not filed. However, plaintiff alongwith counsel made statement vide which he has stated that he withdraw the present suit reserving his right to establish relationship of landlord and tenant as he is tenant of Ankur Rampal son of Late Sh. S.C. Rampal son of Late Sh. Chaman Lal Rampal, who executed rent agreement dated 14.05.1990 with the firm and rent stands paid upto December 2009 @ Rs.1000/- p.m. vide cheque NO.458069 dated 2.1.2010, Rs. 60000/- for sixty months and thereafter, upto December 2010 vide cheque No.827484 dated 26.11.2010 for Rs.12000/- for twelve months, both of Punjab Natianal Bank and withdraw the present suit.

Heard. In view of the statement, the present suit of plaintiff stands dismissed as withdrawn. File be consigned to the record room after due compliance.

*Pronounced.
December 14, 2010*

*Sd/-
(Sunil Kumar)
Civil Judge (Junior Division)
Chandigarh”*

From the above order, it was asserted by the petitioners that Ankur Rampal has withdrawn his suit and that the rent has been paid to Shri Ankur Rampal till December, 2010, which has been found to be factually incorrect as it has been admitted by the counsel for the petitioners that no suit was filed by Ankur Rampal on 25.09.2004 and the order dated 14.12.2010 (as reproduced above) has not been passed in the said suit but in a suit preferred by the petitioners being *Civil Suit No.252 of 16.11.2000* titled as *M/s Super Vehicle Fabrique and others Versus Chaman Lal Rampal through legal heirs and others* which was an interpleader suit and had been withdrawn by the petitioners on 14.12.2010.

The present petition has been preferred under Article 227 of the Constitution of India invoking the superintending powers of this Court which powers need to be exercised not in a routine manner and especially

not qua those petitioners, who have not come to the Court with clean hands and have misled the Court, especially on facts as is apparent from the above.

The revision petition, therefore, stands dismissed.

April 07, 2016
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE