

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

**Civil Revision No.5054 of 2008 (O&M)
Decided on : 10.05.2017**

Ram Parkash Baweja

... Petitioner

Versus

Anil Kumar

... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr. Sudhir Paruthi, Advocate
for the petitioner.

Mr. Sandeep Arora, Advocate
for the respondent.

G.S. Sandhawalia, J. (Oral)

With the consent of the parties, the main case is taken on board today itself.

Mr. Paruthi submits that in pursuance of the order dated 21.04.2017, the keys were handed over to the respondent-landlord within a period of one week as ordered.

Mr. Arora does not dispute the said fact.

This Court had noticed on the said date that a false affidavit had been filed by the petitioner and, accordingly, issued necessary directions that a sum of ₹1 lakh were to be payable him, in case he does not surrender the keys and hand over vacant possession. The order dated 21.04.2017 reads as under:-

“On 20.03.2017, it was noticed by this Court that the petitioner had filed an affidavit that he was occupying the demised premises and was running classes of teaching Shorthand and

has not vacated the premises. It was the specific case of the respondent that the roof of the premises had fallen down and was not habitable.

Mr.Nitin Jain, Advocate had been appointed as Local Commissioner to inspect the 2 shops which were forming part of house No.EG-213, situated at Mohalla Panjpeer, Circular Road, Jalandhar City. Report has now come on record along with the necessary photographs. A perusal of the said report and the photographs would go on to show that there was no existence of the roof as all the 3 portions had fallen down and photograph L-8 showed the arial view to confirm this fact. The petitioner is rather seen visible from the top, standing in the courtyard and there was no roof in the premises in question. He had stated to the Local Commissioner that he was taking Shorthand classes in the demised premises and was running a business under the name and style of Pitman Commercial College and was also working from another premises which were across the road. The premises were in such a bad shape that even the Local Commissioner has said that if the lock was opened, the wooden planks would fall and even entry in the premises, as such, was hazardous.

A perusal of the affidavit dated 15.02.2017 of the petitioner would go on to show that it had been stated that he was still occupying the demised premises and was running classes of Shorthand and had not vacated the same. Para No.4 of the affidavit reads as under:

“4. That in view of above, it is apparent that petitioner is still occupying the demised premises and is running classes of teaching Shorthand and has not vacated the premises as alleged by the respondent.”

Thus, it is apparent that a false affidavit has been filed, in order to retain the premises in question, before this Court and therefore, appropriate proceedings have to be initiated for filing a false affidavit.

Faced with this situation, the petitioner prays for some time. Accordingly, it is directed that in case the keys are handed-over to the respondent, within one week and the possession is delivered, no coercive steps will be taken against the petitioner. However, in case it is not done, initially a sum of Rs.1 lakh will be payable by the petitioner to the respondent, on account of filing a false affidavit, apart from initiating other proceedings. The District Magistrate, Jalandhar shall initiate proceedings for recovery, in case the said amount is to be paid.

List on 10.05.2017.”

Resultantly, in view of the subsequent developments and the fact that the keys have been handed over to the respondent landlord, the present revision has been rendered infructuous and is disposed of accordingly without taking any further action against the petitioner-tenant.

The interim orders stand, accordingly, vacated.

MAY 10, 2017
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No