

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

CRR No. 3150 of 2009 (O&M)

Date of decision: 14.7.2017

Jatinder Kumar

.... Petitioner

VS

Kishan Chand and others

.... Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Manish Kumar Singla, Advocate, as amicus curiae.

Rajesh Bindal, J.

Challenge in the present petition is to the order dated 1.5.2009 passed by the Sub Divisional Judicial Magistrate, Phul, District Bathinda, whereby application filed by the petitioner under Sections 340/195 Cr.P.C. for initiating perjury proceedings against the respondents was dismissed.

The proceedings arise out of an eviction petition filed by the petitioner. The application was filed with the allegations that respondent Pawan Kumar filed a false affidavit dated 18.4.2006 stating that he did not receive the summons through ordinary post or registered cover. Despite opportunity granted to the petitioner, he had not been able to lead clinching evidence to support that service was, in fact, effected on Pawan Kumar.

As noticed by the learned Court below in para 5 of the order that summons was, in fact, received by one Bhushan Kumar Jain. His relation with Pawan Kumar could not be established. His relation with

Krishan Chand, who was tenant and Pawan Kumar, who was appearing as power of attorney holder, could not be established.

In view of the aforesaid facts, I do not find that there is any error in the order passed by the learned Court below. In para 5 of the order, the entire material has been discussed threadbare. The present petition is accordingly dismissed.

14.7.2017
vs

(Rajesh Bindal)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No