

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

101

CR No.6504 of 2015 (O&M)
Date of Decision : 08.03.2018

Rakesh Kumar

..... Petitioner

Versus

Rakesh Kumar and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Bhavyadeep Walia, Advocate
for the petitioner.

Mr. Vivek Aggarwal, Advocate
for the respondents.

AJAY TEWARI, J. (Oral)

On 01.10.2015, the following order was passed :-

“Counsel for the petitioner contends that an application moved by the petitioner-tenant before the Appellate Authority, Patiala, has not been decided prior to the decision in the appeal preferred by the petitioner-tenant, although notice in the application was duly issued to the respondents-landlords and reply thereof was also filed. He relies upon the judgment of this Court passed in case titled as Shadi Lal Versus Municipal Committee, Rewari 1994 (1) PLR 633 to contend that the petition has to be remanded back to the Appellate Authority by setting aside the judgment to decide the application at the first instance and thereafter to decide the appeal.

Notice of motion for 03.11.2015.

Dasti only.

Notice regarding stay as well.

To be shown in the urgent list.”

Today learned counsel for the respondents points out that infact there was complete mis-statement and concealment before this Court since the application for amendment of the written statement was declined by a separate order on the same day on which the appeal was decided.

Learned counsel for the petitioner has accepted this and stated that this was an omission on the part of the petitioner.

Be that as it may. The fact remains that on the basis of a false statement the petitioner has enjoyed an interim order for the past 2 ½ years. On this score alone the petition is liable to be dismissed and I consequently dismiss the same.

Petition stands dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(**AJAY TEWARI**)
JUDGE

08.03.2018

Pooja sharma-I

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No