



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**INTERIM APPLICATION NO.2781 OF 2024
IN
INTERIM APPLICATION (L) NO.21920 OF 2024
IN
SUIT NO.1215 OF 2019**

Jitendra Gorakh Megh ... Applicant/Plaintiff
versus
Gorakh Govind Megh and Anr. ... Defendants

Mr. Jitendra G. Megh, Applicant in person present.
Mr. S.R.Page with Ms. Eesha Jaifalkar for Defendants.

CORAM: N.J.JAMADAR, J.

DATE : 13 NOVEMBER 2024

P.C.

1. Heard the Applicant in person and the learned Counsel for the Defendants.
2. The applicant/Plaintiff has filed this application purportedly for initiating action for perjury.
3. The substance of the application is that in the affidavit in reply filed in IAL No.21920 of 2024, the Defendant No.1 has made a false statement that the Defendant No.1 has paid the property tax in respect of the suit property. A copy of the property tax receipt (Exhibit E) was annexed to the said affidavit in reply to show that the property tax was paid by Defendant No.1. In fact, the applicant has paid the property tax in respect of the suit property vide cheque

dated 15 March 2022 drawn for Rs.23,706, as reflected in the receipt (page 60 of the application). The Defendant No.1 has, thus, made a false statement to misled the Court. Therefore, action be initiated against Defendant No.1.

4. Learned Counsel for the Defendants, resisted the prayers in the application. It was submitted that the Defendant No.1 has made a statement that he is looking after the suit property and has paid the property tax. The said statement is controverted by the applicant. Thus, there can be no question of initiating an action for perjury as it is disputed question of fact. It cannot be said that the Defendant No.1 has deliberately made a false statement, and, thereby, interfered with the administration of justice.

5. I have perused the averments in the application and the documents annexed thereto. The applicant and Defendant No.1 have made rival claims regarding payment of property tax in respect of the suit property. The matter is in the realm of disputed question of facts. Prima facie, it does not appear expedient in the interest of justice to initiate action by invoking powers under Section 340 of the Code of Criminal Procedure, 1973. It is not a case where the Court can draw an inference that the statement made on behalf of Defendant No.1 pollutes the stream of justice and amounts to an offence affecting administration of justice. It is trite, every untrue statement does not necessarily warrant an action for perjury.

6. The application, therefore, stands rejected.

7. Stand over to 5 December 2024.

(N.J.JAMADAR, J.)