

RANJIT SAINI Vs. RAKESH SAINI

19.11.2025

Present: Sh. Puneet Shrivastav, Ld counsel for the applicant/defendant no. 1 through VC.
Sh. Mayur Singhal, ld counsel for respondent/plaintiff.

The present application has been filed by the defendant no. 1 under Section 340 Cr.PC r/w Section 191/193/199/209 of IPC.

Ld counsels for the parties submit that the main suit has been transferred to the Court of Ms. Sushil Bala Dagar, Ld. District Judge- 08, West, District, Tis Hazari Courts, Delhi. The present application under Section 340 CrPC has been filed on the ground that the plaintiff has filed false affidavit in the main suit and he has concealed as well as mis-represented the court by making false averments in his duly sworn affidavit.

Ld counsels for the parties submit that the said affidavit is available in the main case file.

With the application, the defendant no. 1 has not attached the copy of abovesaid affidavit of plaintiff. The present application is offshoot of main suit, in which the alleged affidavit has been filed by the plaintiff.

This court is of the opinion that for the purpose of deciding the present application, this court has to go into the merits of the affidavit filed by the plaintiff in the main suit and if this court gives any finding regarding false statement made or not made by the plaintiff in his affidavit then that finding may affect the outcome of

the main suit and it will be also interfere in the jurisdiction of the Court, where the main suit is pending. This court also can not give the finding, on the affidavit of plaintiff without considering the pleadings as well as proceedings filed/conducted in the main suit, therefore, this court considers that the present application as well as the main suit should be considered/tried by one court.

In view of the abovesaid facts, the present case be placed before Ld. Principal District & Sessions Judge, West District with request to assign the present application the court in which the main suit is going on i.e. Ms. Sushil Bala Dagar, Ld. Distict Judge-08, West, District, Tis Hazari Courts, Delhi.

Parties are directed to appear before Ld. Principal District & Sessions Judge, West District on **09.12.2025 at 11.00 am**

(SHIV KUMAR)
DJ-02 (W)THC:Delhi
19.11.2025