

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Letters Patent Appeal No.175 of 2015 (O&M)
Date of Decision: February 02, 2015

Anand College of Education for WomenAppellant
versus
National Council for Teacher Education and others
.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE RAJ MOHAN SINGH.

Present:Mr.Sameer Sachdeva, Adv. for the appellant.

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

This letters patent appeal is directed against the order dated 26.08.2013 primarily against the imposition of cost of Rs.1.0 lac on the appellant which are as per the order of the learned Single Judge, required to be deposited with the Punjab State Legal Services Authority, followed by a compliance affidavit. The order dated 28.11.2014 dismissing the appellant's application seeking modification of the above-mentioned order, which was moved pursuant to the liberty granted by this Court on 11.10.2013 in LPA No.1776 of 2013, is also under challenge in this appeal.

We have heard learned counsel for the appellant.

There can indeed be no second opinion that when a litigant does not approach the Court with clean hands, it is the duty of the Court to take stern action including imposition

of penal costs so as to dissuade the unscrupulous litigants from entering the corridors of temple of justice. The discretion exercised by learned Single Judge in the instant case, in imposing costs on the appellant on account of suppression of material facts, thus would not ordinarily call for any interference by this appellate forum.

What should, however, be done in a case where the litigant is repentant of his conduct and seeks mercy?

The answer would again be of wide range depending upon the facts and circumstances of each case. The salutary grinding factor would be that the degree of repentance, the mitigating circumstances, the call for a mercy and the prayer to show compassion wherever so warranted, should be placed for consideration before the same Court who has been hurt by the conduct of the litigant.

The Courts are the sea of compassion. One should only learn not to play with the waves.

The appellant, as it appears, did invoke the compassion twice but not within pious heart. We are still of the view that should the appellant be the genuine repentant to exhibit its bonafide with an undertaking that henceforth, there shall be nothing wanting in its conduct, we are sanguine that the learned Single Judge would show his malignity and take a lenient so as to reduce the quantum of costs. We, therefore, dispose of this appeal with liberty to the appellant to move yet another application before the learned Single Judge and make out a case within the periphery of compassionate discretion as outlined above.

We have neither expressed any opinion on merits nor we intend to infringe upon the absolute discretion that

vests in the learned Single Judge only.

Dasti.

[SURYA KANT]
JUDGE

February 02, 2015
Mohinder

[RAJ MOHAN SINGH]
JUDGE