

\$

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

C.R.P. 204/2013 and CM NO. 18520/2015 (Stay)

%

Decided on: 23rd April, 2015

BHAG SINGH

..... Petitioner

Through: Mr. Prag Chawla, Advocate with
Petitioner in person.

versus

RANJIT KUMAR SANDHIR

..... Respondent

Through: Mr. D.K. Rustagi and Mr. B.S. Bagga,
Advocates.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

MUKTA GUPTA, J (ORAL)

1. A suit was filed by the Respondent Ranjit Kumar Sandhir, since deceased against the Petitioner Bhag Singh for recovery of damages of Rs.39,000/-. Bhag Singh filed a counter claim in the said suit. Vide judgment dated 22nd May, 1999 the suit of Ranjit Kumar Sandhir, since deceased was dismissed and the counter claim of Bhag Singh was allowed. In an appeal filed by Ranjit Kumar Sandhir vide the impugned order dated 30th August, 2013, the learned Additional District Judge remanded back the matter to the learned Civil Judge for setting aside the judgments both in the Civil Suit and the Counter Claim.

2. The present revision petition was filed in October, 2013 and it came up for hearing for the first time before this Court on 22nd November, 2013 when an adjournment was sought by the learned proxy counsel as the main counsel for the Petitioner Bhag Singh was not available. On 21st November, 2013, the learned Trial Court pursuant to the remand order had heard

arguments and reserved the matter for pronouncement of judgment which was done on 30th November, 2013. However, even thereafter an adjournment was sought on 30th January, 2014 in the present revision petition. On 7th August, 2014 when the matter came up before this Court, learned counsel for the Petitioner did not inform this Court that vide the order dated 30th November, 2013 a decree has already been passed and the matter was argued as if the proceedings are pending before the learned Civil Judge. Thus notice was issued by this Court directing that till further orders the judgment dated 30th August, 2013 was stayed though the proceedings before the learned Trial Court had concluded.

3. A revision petition under Section 115 of CPC is a discretionary remedy. (See: Smt. Kalwant Kaur vs. Hazari Lal and another, ILR 1973 (II) Delhi 88) Where a litigant does not come before the Court with clean hands or conceals material facts, it is a good ground to decline interference in the order of the Lower Court and not to grant any relief to the litigant under its discretionary jurisdiction.

4. In view of the fact that the passing of the judgment dated 30th November, 2013 by the learned Trial Court was not brought to the notice of this Court when the stay of proceedings before the Trial Court was obtained from this Court on 7th August, 2014 by concealing material facts, the present petition is liable to be dismissed. Accordingly, the petition and the application are dismissed.

(MUKTA GUPTA)
JUDGE

APRIL 23, 2015/‘vn’