

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

**Regular Second Appeal No.2096 of 2015 (O&M)
Date of Decision: February 11, 2016.**

Joginder

.....APPELLANT(s).

VERSUS

Kailash Rani and others

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Bhoop Singh, Advocate
for the appellant (s).

SURINDER GUPTA, J.

This is second appeal by appellant-plaintiff Joginder Singh against the concurrent findings of the Courts below whereby his suit seeking the relief of injunction with regard to the constructed property i.e. dairy known as 'Chaudhary Dairy' situated at Noorwala Road, Dashmesh Colony, near Alu Store, Ludhiana, was dismissed. Plaintiff claimed that he has taken the above premises on rent @ ₹2,500/- per month from the defendants.

Both the Courts below declined the discretionary relief of injunction to the plaintiff with the observation that he had concealed the rent note dated 07.02.2007 (Ex.R3) executed by him in favour of defendants and as per clause 9 of the rent note (Ex.R3), there exists two sheds in the dairy and plaintiff was given only one shed on rent. It was observed by the Courts below that the plaintiff has not come to the Court with clean hands, as such,

is not entitled for the discretionary relief.

Learned counsel for the appellant-plaintiff submits that the first Appellate Court has taken note of the fact that defendant No.1 has already filed ejectment petition against the plaintiff with regard to one shed measuring 12'x60' and one room illegally occupied by him. The Courts below instead of granting the part relief, keeping in view the possession of the plaintiff over one shed and one room, have declined the relief despite the fact that plaintiff is still in possession of the suit property as tenant.

This fact is not disputed that both the Courts below have declined the relief of injunction not on the ground that the plaintiff is not in possession of the premises but on the ground that he has concealed material facts relating to suit property. The grant of relief of injunction is a discretionary relief and Courts below have committed no error of law while decline to grant the relief to a person who has not come to the Court with clean hands.

On perusal of the paper-book and judgments of the Courts below, I find no legal or factual infirmity therein calling for any interference.

No substantial question of law requiring determination arises in this appeal, which has no merits.

Dismissed.

February 11, 2016.
Sachin M.

(SURINDER GUPTA)
JUDGE