

CR No. 7442 of 2017
CR No. 7460 of 2017
CR No. 7466 of 2017

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

CR No. 7442 of 2017
Date of Decision: 02.11.2017

RUPINDER KUMAR

-PETITIONER

VS

MURARI LAL AND ORS

-RESPONDENTS

CR No. 7460 of 2017

RUPINDER KUMAR

-PETITIONER

VS

DEEPAK AND ORS

-RESPONDENTS

CR No. 7466 of 2017

RUPINDER KUMAR

-PETITIONER

VS

THE MUNICIPAL CORPORATION AND ORS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Vishal Aggarwal, Advocate,
for the petitioner(s).

Mr. Atul Goyal, Advocate,
for the caveator/respondents.

RAJ MOHAN SINGH, J. (ORAL)

[1]. Vide this common order, Civil Revision No.7442 of 2017
titled Rupinder Kumar vs Murari lal and others, Civil Revision
No.7460 of 2017 titled Rupinder Kumar vs Deepak and others and
Civil Revision No.7466 of 2017 titled Rupinder Kumar vs The

Municipal Corporation and others are being disposed of.

[2]. Common facts are being taken from all the three civil revision petitions.

[3]. Prayer of the petitioner in terms of Order 39 Rules 1 and 2 CPC was concurrently dismissed by both the Courts below primarily on the ground that the plaintiff has concealed factum of earlier suit for permanent injunction which was dismissed as withdrawn on 30.04.2015. The relevant information was conveniently concealed in the plaint. On disclosure of such fact in the written statement, the plaintiff admitted the factum of filing earlier suit in the replication.

[4]. The Courts below while considering the scope of application under Order 39 Rules 1 and 2 CPC commented upon the conduct of the plaintiff by showing that a person who has concealed material information from the Court does not deserve any equitable relief as he has not come to the Court with clean hands.

[5]. The civil suit for declaration was filed after withdrawal of suit for permanent injunction. When the prayer in terms of Order 39 Rules 1 and 2 CPC was declined in the suit for declaration, a second civil suit No.9848 of 2015 came to be filed in respect of same property against the same defendants. This suit was for permanent injunction in which factum of dismissal of application under Order 39 Rules 1 and 2 CPC was concealed, though filing of first suit was admitted. Third civil suit No.718 of 2015 was also filed by the

petitioner on 03.12.2015 with an addition of Municipal Corporation, the Commissioner, Municipal Corporation and Assistant Town Planner as party defendants. The suit was also in the nature of declaration and permanent injunction in respect of same property.

[6]. The factum of dismissal of prayer in terms of Order 39 Rules 1 and 2 CPC on earlier occasion was conspicuously missing from the pleadings of the suit. The consideration on aforesaid facts would show that the plaintiff-petitioner has not come to the Court with clean hands. The concealment of relevant information would entail in not granting equitable relief to the petitioner at this stage.

[7]. These revision petitions are accordingly dismissed. However, nothing observed hereinabove would be taken to be an expression of any fact on the merits of the case.

02.11.2017
jyoti

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No