

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

**LPA No.2129 of 2017 (O&M)**

**Date of Decision : 08.11.2017**

Sushil Kumar and another

....Appellants

Versus

Divisional Canal Officer and others

...Respondents

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER  
HON'BLE MR.JUSTICE RAJ SHEKHAR ATTRI**

**Present : Mr.Paramjit Singh Jammu, Advocate  
for appellants.**

**MAHESH GROVER, J. (Oral)**

This appeal is against the judgment of the learned Single Judge dated 29.08.2017.

The learned Single Judge declined interference noticing the conduct of the appellants. The appellants were aggrieved of an order dated 10.08.2016 which they challenged before the civil court by filing a suit for declaration and permanent injunction. They were unsuccessful in getting injunction and instead of pursuing the remedy further, preferred a writ petition before this court and without disclosing the factum of the pendency of the suit succeeded in getting a restraint order in their favour, whereafter they withdrew the civil suit and that too without seeking liberty of the court to approach the writ court.

The learned Single Judge took stock of these facts and dismissed the writ petition with costs of Rs.50,000/-.

Learned counsel for the appellants contends that punitive

costs have been deposited and they should, therefore, be heard on merits.

We are of the opinion that no such indulgence can be granted keeping in view their deplorable conduct of concealment of facts from the writ court. It is settled law that a person who does not come to the court with clean hands does not deserve any indulgence. Besides, the appellants would be disentitled to the remedy before the writ court having once filed a civil suit and withdrawing the same without liberty to file a fresh one or approaching any other forum. Looking from any angle, the appeal cannot succeed and therefore interference is declined. However, marginal delay of 03 days in filing the appeal is condoned.

Appeal dismissed.

(MAHESH GROVER)  
JUDGE

08.11.2017  
dss

(RAJ SHEKHAR ATTRI)  
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |