

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CR No.149 of 2018 (O&M)

Date of decision: 12.01.2018

Rattan Singh

..... Petitioner

Versus

Nitika Nirmal and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. G.C. Shahpuri, Advocate
for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

Plaintiff-petitioner is in revision petition against the order passed by the learned First Appellate Court vacating the order passed by the trial Court. Learned First Appellate Court has given four reasons for accepting the appeal:-

1. Plaintiff-petitioner has concealed from the Court the judgment and decree passed in Civil Suit No.1066 titled as 'Dharam Singh Vs. Rattan Singh' while filing the suit.
2. Oral family settlement between the parties is admitted.
3. The electricity bills are being paid by the defendant.
4. There is prima facie evidence of possession in favour of the respondent.

Although, learned counsel for the petitioner has tried to argue that such finding is erroneous, however, he could not justify as to why copy of the judgment and decree passed in Civil Suit No.1066 titled 'Dharam Singh Vs. Rattan Singh' was not disclosed before the Court.

In the considered opinion of this Court, if the plaintiff does not file a suit with clean hands and withholds the material fact from the Court, the Court is entitled to decline discretionary relief i.e. grant of injunction. Hence, there is no ground to interfere with the order passed by the Court.

Revision petition is dismissed.

12.01.2018
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No