

2024:PHHC:137923



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

112

**CWP-22434-2024 (O&M).
Date of Decision: 22.10.2024.**

GAURAV GUPTA

... Petitioner(s)

Versus

KAVITA HOODA AND OTHERS

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Petitioner in person,
(Through Video Conference)

Mr. M.B. Rajwade, Advocate, with
Ms. Shubreet Kaur, Advocate,
for respondents No.1 and 2.

Mr. Pankaj Mulwani, DAG, Haryana.

VINOD S. BHARDWAJ, J)ORAL).

CM-17362-CWP-2024

Application is allowed as prayed for subject to all just
exceptions.

Written submissions are taken on record.

The Registry is directed to tag the same at an appropriate place.

2024:PHHC:137923

**MAIN CASE**

The present writ petition has been filed under Articles 226/227 of the Constitution of India, for seeking issuance of directions to the respondent No.2-Additional District Judge, Family Court, District and Sessions Court, Rohtak, neither to hear respondent No.1 (estranged wife of the petitioner) nor to grant any relief to her.

2 Petitioner appearing in person through video conference contends that respondent No.1-his estranged wife has been indulging in institution of false cases and claims against him by suppression of relevant essential facts in relation to her employment, her assets and liabilities and also the duration of her appointment along with the salary being paid to her. In this manner, she has been playing hide and seek with the Hon'ble Courts. The position in law being well settled that where a person does not approach the Courts with clean hands, he or she is not entitled for any relief, as has been held by the Hon'ble Supreme Court in the matter of **Ramjas Foundation and another Vs. Union of India and others, Civil Appeal No.6662 of 2004 decided on 09.11.2010** she should not be granted any hearing. He further relies upon the judgment in the matter of **Moti Lal Songara Vs. Prem Prakash @ Pappu and another, reported as (2013) 9 SCC 199**, and contends that suppression of the truth is equivalent to the expression of falsehood and that the Court cannot be a place where people can take chances and play fraud with the Court. Where a litigant tries to gain advantage by suppression of facts and a fraudulent intention is

2024:PHHC:137923



manifested in the proceedings, such litigant ought to be suitably penalized. Reliance is also placed on the judgment of Hon'ble the Supreme Court in the matter of the *Hari Krishna Mandir Trust Vs. State of Maharashtra, Civil Appeal No.6156 of 2013 decided on 07.08.2020* to contend that it is the duty of the Courts to exercise its powers against a fraudulent litigant and that where there is a breach of an obligation by the litigant of coming to the Court with clean hands, suitable cost ought to be imposed. He further submits that this Court ought to direct initiation of proceedings for contempt against respondent No.1-Kavita Hooda for institution of multiple proceedings by suppression of factual aspects and costs be also imposed on her.

3 I have heard the petitioner appearing in person as well as the counsel appearing on behalf of respondents No.2 and 3.

4 It is evident from a perusal of the prayer made by the petitioner that the petitioner claims that the Court ought not to grant an opportunity of hearing to respondent No.1-his estranged wife to establish her case because there have been certain instances of suppression of facts by respondent No.1. Denial or rejection of a relief cannot be equated to restraining a person from approaching the Court of law. The law provides availability of constitutional remedies to every person and as to whether there is a suppression or not is an element which is determined by the Court, after the parties have been heard. There cannot be a presumption that in case a person has committed a wrong once, he shall always be inclined to commit

2024:PHHC:137923



such repeated acts of default. Each case is to be decided on the basis of evidence that has been led before a Court of law and no presumption can be drawn against a person merely because he/she indulges in an act, which may be an act of fraud on the Court. Hence, the judgments referred to by the petitioner in the cases of *Ramjas Foundation and another; Moti Lal Songara Vs. Prem Prakash (@ Pappu and another; and Hari Krishna Mandir Trust* (*supra*) would have no applicability as they relate to a decision to grant a relief, in the event, a Court, on hearing the parties, forms an opinion that any party (respondent in this case) has concealed the facts. The same are not the precedents to debar a constitutional remedy to a person. To oust a litigant from being heard would be deprivation of the constitutional rights. Hence, the arguments addressed by the petitioner in person are rejected.

5 So far as the prayer for initiation of contempt proceedings against the respondent No.1 is concerned, the same is a matter between a litigant and the Court and it is not upto a litigant to direct initiation of contempt proceedings. The same is to be left to the discretion of the Court which is seized of the matter.

6 Adverting to the next prayer of the petitioner for grant of compensation for the agony caused to him due to institution of cases against him, the same is an issue which the petitioner is required to press before the Family Court which is seized of the matter.

2024:PHHC:137923



7 For the reasons as aforesaid, I find that the present petition is misconceived and proposes what is contrary to the right of constitutional remedies enshrined and extended to every citizen. The present petition is accordingly dismissed in *limine*.

8 At this stage, petitioner submits that the matter is pending before the Family Court, Panipat, for the last five years and that he would be satisfied in case Family Court, Panipat, is directed to decide the matter expeditiously.

9 The Family Court, Panipat, is requested to take an expeditious decision in the pending application.

October 22, 2024.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No