

SPECIAL CIVIL APPLICATION NO.2946 OF 1995.

Coram: R. R. Jain, J.

November 30, 1995.

Order:

Mr. S.V. Bachani, learned advocate for the petitioner, is absent in Court on call.

In response to notice, respondent has filed affidavit in reply contending suppression of material facts qua merits of the case. As a cardinal rule, a person coming before the court claiming equitable relief has to come with clean hands and if he/she suppresses any material relevant facts, equitable reliefs cannot be granted.

Before coming to this Court, the petitioner had filed a Civil Suit and having lost the battle before the Civil Court, come before this Court claiming identical reliefs, suppressing all these facts. In my view, the petitioner who suppresses material and relevant facts, is not entitled to claim any equitable relief and, therefore, the petition deserves to be dismissed.

In the result, the petition is dismissed. Notice discharged. Interim relief, if any, stands vacated.

30.11.1995. (R. R. Jain, J.)