IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE GURPAL SINGH AHLUWALIA

ON THE 1st OF MAY, 2023

MISC. PETITION No. 3572 of 2020

BETWEEN:-

BAIJNATH DWIVEDI S/O SHRI INDRABHAN DWIVEDI, AGED ABOUT 60 YEARS, OCCUPATION: AGRICULTURIST R/O VILLAGE BAANSA TEHSIL HUZUR, DISTT. REWA (MADHYA PRADESH)

.....PETITIONER

(BY SHRI ANAND SINGH THAKUR - ADVOCATE)

AND

1. **SHIV GOVIND AGNIHOTRI S/O SHRI LAKSHMINIWAS AGNIHOTRI OCCUPATION: AGRICULTURIST R/O VILLAGE NAKTA TEHSIL HUZUR DISTT. REWA (MADHYA PRADESH)**

2. **SHIVBALAK AGNIHOTRI S/O SHRI LAKSHMINIWAS AGNIHOTRI R/O VILLAGE NAKTA TEHSIL HUZUR DISTT. REWA (MADHYA PRADESH)**

3. **SMT. MALTI DEVI W/O SHRI SHIV PRASAD AGNIHOTRI OCCUPATION: HOUSEWIFE R/O VILLAGE NAKTA TEHSIL HUZUR DISTT. REWA (MADHYA PRADESH)**

4. **RAMPRAKASH AGNIHOTRI S/O SHRI SHIV PRASAD AGNIHOTRI OCCUPATION: AGRICULTURIST R/O VILLAGE NAKTA TEHSIL HUZUR DISTT. REWA (MADHYA**

PRADESH)

5. VIKAS AGNIHOTRI S/O SHIV PRASAD AGNIHOTRI OCCUPATION: AGRICULTURIST R/O VILLAGE NAKTA TEHSIL HUZUR DISTT. REWA (MADHYA PRADESH)

6. MEENA AGNIHOTRI W/O LATE SHRI MUNNALAL AGNIHOTRI, LEGAL HEIRS OF LATE SHRI MUNNALAL AGNIHOTRI R/O VILLAGE NAKTA, TEHSIL HUZUR, DISTRICT REWA (MADHYA PRADESH)

7. VIKAS AGNIHOTRI S/O LATE SHRI MUNNALAL AGNIHOTRI R/O VILLAGE NAKTA, TEHSIL HUZUR, DISTRICT REWA (MADHYA PRADESH)

8. SUBASH AGNIHOTRI S/O LATE SHRI MUNNALAL AGNIHOTRI R/O VILLAGE NAKTA, TEHSIL HUZUR, DISTRICT REWA (MADHYA PRADESH)

9. JYOTI AGNIHOTRI D/O LATE SHRI MUNNALAL AGNIHOTRI R/O VILLAGE NAKTA, TEHSIL HUZUR, DISTRICT REWA (MADHYA PRADESH)

.....RESPONDENTS

(SHRI SAHIL SONKUSLE – ADVOCATE FOR RESPONDENTS NOS.1 TO 5)

This petition coming on for hearing this day, the court passed the following:

ORDER

This Petition under Article 227 of the Constitution of India has been filed against the order dated 12.02.2020 passed by Additional

Commissioner, Rewa Division, Rewa Link Court Satna/Sidhi in Case No.1065/Appeal/2017-18.

2. It is the case of the petitioner that he had purchased the disputed land bearing Khasra No.89/2 situated at Village Bansa, Tahsil Huzur, District Rewa from one Shri Munnalal Agnihotri by a registered sale deed dated 26.05.2016. Shri Munnalal Agnihotri has expired and his legal representatives are respondents No.6 to 9. The petitioner moved an application for mutation of his name on the basis of the sale deed. Vendor/Shri Munnalal Agnihotri also filed his reply and admitted the sale of property in question and expressed his no objection to the mutation of name of the petitioner. Thereafter, a public notice was issued inviting objection in respect of mutation and accordingly, respondent No.1 to 5 submitted their objections on the ground that Khasra No.89/2 and its adjoining lands i.e. khasra Nos.86, 87, 88 and 90 are their joint family properties and the sale deed has been executed without the partition of the properties. After considering the objections raised by respondents Nos.1 to 5, the Tehsildar allowed the application filed by the petitioner and directed for mutation of name of the petitioner in place of Shri Munnalal Agnihotri. While deciding the application, it was held by the Tehsildar that the land in dispute exclusively belongs to Shri Munnalal Agnihotri and there is nothing on record to show that it is a Joint Hindu Family property.

3. Being aggrieved by the order of mutation dated 26.09.2017 respondents No.1 to 5 preferred an appeal before the Court of S.D.O. Tehsil Huzur, District Rewa.

4. The petitioner supported the reasoning assigned by the Naib Tahsildar and the S.D.O. by order dated 15.03.2018 dismissed the

appeal with an observation that the parties can approach the competent Court of civil jurisdiction for establishment of their rights.

5. Being aggrieved by the order passed by the S.D.O., respondents No.1 to 5 preferred an appeal before the Additional Commissioner, Rewa Division, Rewa, who by order dated 12.02.2020 passed in Case No.1065/Appeal/2017-18 allowed the appeal and set aside the order passed by the Tehsidar as well as S.D.O. and the matter was remanded back to the Tehsildar to give an opportunity of hearing to the parties and then to decide afresh in the light of the documentary/ocular evidence which would come on record.

6. Challenging the order passed by the Additional Commissioner Rewa Division, Rewa Link Court Satna/Sidhi, it is submitted by the counsel for the petitioner that the S.D.O. had rightly held that the Revenue Authorities have no jurisdiction to nullify any sale deed. Whether the respondent had any share in the property or not cannot be adjudicated by the Revenue Authorities and if somebody has an objection, then he can get his title declared from the Civil Court of competent jurisdiction.

7. Per contra, it is submitted by the counsel for respondents Nos.1 to 5 that the petitioner has filed a review application before the Additional Commissioner, Rewa Division, Rewa on 16.03.2020, which is pending and the said fact has been suppressed.

8. Accordingly, the counsel for the parties were directed to address this Court with regard to the maintainability of this petition during the pendency of review application.

9. It is submitted by the counsel for respondents Nos.1 to 5 that since the factum of pendency of review amounts to suppression of material

facts, therefore, this petition is liable to be dismissed only on the said ground. To buttress his contention, counsel for respondents Nos.1 to 5 has relied upon an order dated 24.02.2022 passed in M.P. No.316/2020 by a Coordinate Bench of this Court in the case of **Gayatri Bai and others Vs. Gayatri Bai and others** and also the order passed by a Coordinate Bench of this Court in the case of **Ramesh Chandra Sharma Vs. Trust Moorthi Mandir** reported in **2012 SCC Online MP 9335**. It is further submitted that the litigant must come to the Court with clean hands by putting forward all the facts without concealing or suppressing anything and if there is no candid disclosure of relevant or material facts or the petitioner is guilty of misleading the Court, the petition should be dismissed at the threshold without considering the merits.

10. Heard the learned counsel for the parties.

11. The Supreme Court in the case of **Bhaskar Laxman Jadhav and others v. Karamveer Kakasaheb Wagh Education Society and others** reported in **(2013) 11 SCC 531** has held as under:

> "**44.** It is not for a litigant to decide what fact is material for adjudicating a case and what is not material. It is the obligation of a litigant to disclose all the facts of a case and leave the decision-making to the court. True, there is a mention of the order dated 2-5-2003 in the order dated 24-7-2006 passed by the JCC, but that is not enough disclosure. The petitioners have not clearly disclosed the facts and circumstances in which the order dated 2-5-2003 was passed or that it has attained finality.
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> **45.** We may only refer to two cases on this subject. In Hari Narain v. Badri Das [AIR 1963 SC 1558] stress was laid on litigants eschewing inaccurate, untrue or misleading statements, otherwise leave granted to an

appellant may be revoked. It was observed as follows: (AIR p. 1560, para 9)

> "9. … It is of utmost importance that in making material statements and setting forth grounds in applications for special leave care must be taken not to make any statements which are inaccurate, untrue or misleading. In dealing with applications for special leave, the Court naturally takes statements of fact and grounds of fact contained in the petitions at their face value and it would be unfair to betray the confidence of the Court by making statements which are untrue and misleading. That is why we have come to the conclusion that in the present case, special leave granted to the appellant ought to be revoked. Accordingly, special leave is revoked and the appeal is dismissed. The appellant will pay the costs of the respondent."

46. More recently, in Ramjas Foundation v. Union of India [(2010) 14 SCC 38 : (2011) 4 SCC (Civ) 889] the case law on the subject was discussed. It was held that if a litigant does not come to the court with clean hands, he is not entitled to be heard and indeed, such a person is not entitled to any relief from any judicial forum. It was said: (SCC p. 51, para 21)

> "21. The principle that a person who does not come to the court with clean hands is not entitled to be heard on the merits of his grievance and, in any case, such person is not entitled to any relief is applicable not only to the petitions filed under Articles 32, 226 and 136 of the Constitution but also to the cases instituted in others courts and judicial forums. The object underlying the principle is that every court is not only entitled but is duty-bound to protect itself from unscrupulous litigants who do not have any respect for truth and who try to pollute the stream of justice by resorting to falsehood or by making misstatement or by suppressing facts

> which have a bearing on adjudication of the issue(s) arising in the case."
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> **47.** A mere reference to the order dated 2-5-2003, en passant, in the order dated 24-7-2006 does not serve the requirement of disclosure. It is not for the court to look into every word of the pleadings, documents and annexures to fish out a fact. It is for the litigant to come upfront and clean with all material facts and then, on the basis of the submissions made by the learned counsel, leave it to the court to determine whether or not a particular fact is relevant for arriving at a decision. Unfortunately, the petitioners have not done this and must suffer the consequence thereof."

12. The Supreme Court in the case of **Arunima Baruah v. Union of India and others** reported in **(2007) 6 SCC 120** has held as under:

> **10.** On the one hand, judicial review is a basic feature of the Constitution, on the other, it provides for a discretionary remedy. Access to justice is a human right. *(See Dwarka Prasad Agarwal v. B.D. Agarwal [(2003) 6 SCC 230] and Bhagubhai Dhanabhai Khalasi v. State of Gujarat [(2007) 4 SCC 241 : (2007) 2 SCC (Cri) 260 : (2007) 5 Scale 357].)* A person who has a grievance against a State, a forum must be provided for redressal thereof. (See Hatton v. United Kingdom [15 BHRC 259] . For reference see also Zee Telefilms Ltd. v. Union of India [(2005) 4 SCC 649].)
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> **11.** The court's jurisdiction to determine the lis between the parties, therefore, may be viewed from the human rights concept of access to justice. The same, however, would not mean that the court will have no jurisdiction to deny equitable relief when the complainant does not approach the court with a pair of clean hands; but to what extent such relief should be denied is the question.
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> **12.** It is trite law that so as to enable the court to refuse to exercise its discretionary jurisdiction suppression

must be of material fact. What would be a material fact, suppression whereof would disentitle the appellant to obtain a discretionary relief, would depend upon the facts and circumstances of each case. Material fact would mean material for the purpose of determination of the lis, the logical corollary whereof would be that whether the same was material for grant or denial of the relief. If the fact suppressed is not material for determination of the lis between the parties, the court may not refuse to exercise its discretionary jurisdiction. It is also trite that a person invoking the discretionary jurisdiction of the court cannot be allowed to approach it with a pair of dirty hands. But even if the said dirt is removed and the hands become clean, whether the relief would still be denied is the question.

13. In *Moody v. Cox [(1917) 2 Ch 71 : (1916-17) All ER Rep 548 (CA)]* it was held: (All ER pp. 555 I-556 D)

> It is contended that the fact that Moody has given those bribes prevents him from getting any relief in a court of equity. The first consequence of his having offered the bribes is that the vendors could have rescinded the contract. But they were not bound to do so. They had the right to say "no, we are well satisfied with the contract; it is a very good one for us; we affirm it". The proposition put forward by counsel for the defendants is: "It does not matter that the contract has been affirmed; you still can claim no relief of any equitable character in regard to that contract because you gave a bribe in respect of it. If there is a mistake in the contract, you cannot rectify it, if you desire to rescind the contract, you cannot rescind it, for that is equitable relief." With some doubt they said: "We do not think you can get an injunction to have the contract performed, though the other side have affirmed it, because an injunction may be an

> equitable remedy." When one asks on what principle this is supposed to be based, one receives in answer the maxim that anyone coming to equity must come with clean hands. I think the expression "clean hands" is used more often in the textbooks than it is in the judgments, though it is occasionally used in the judgments, but I was very much surprised to hear that when a contract, obtained by the giving of a bribe, had been affirmed by the person who had a primary right to affirm it, not being an illegal contract, the courts of equity could be so scrupulous that they would refuse any relief not connected at all with the bribe. I was glad to find that it was not the case, because I think it is quite clear that the passage in *Dering v. Earl of Winchelsea [(1787) 1 Cox Eq Cas 318 : 2 Bos & P 270]* which has been referred to, shows that equity will not apply the principle about clean hands unless the depravity, the dirt in question on the hand, has an immediate and necessary relation to the equity sued for. In this case the bribe has no immediate relation to rectification, if rectification were asked, or to rescission in connection with a matter not in any way connected with the bribe. Therefore that point, which was argued with great strenuousness by counsel for the defendant, Hatt, appears to me to fail, and we have to consider the merits of the case.

14. In *Halsbury's Laws of England*, 4th Edn., Vol. 16, pp. 874-76, the law is stated in the following terms:

> "*1303. He who seeks equity must do equity.*— In granting relief peculiar to its own jurisdiction a court of equity acts upon the rule that he who seeks equity must do equity. By this it is not meant that the court can impose arbitrary conditions upon a plaintiff simply because he stands in that position on the

record. The rule means that a man who comes to seek the aid of a court of equity to enforce a claim must be prepared to submit in such proceedings to any directions which the known principles of a court of equity may make it proper to give; he must do justice as to the matters in respect of which the assistance of equity is asked. In a court of law it is otherwise: when the plaintiff is found to be entitled to judgment, the law must take its course; no terms can be imposed.

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1305. He who comes into equity must come with clean hands.—A court of equity refuses relief to a plaintiff whose conduct in regard to the subject-matter of the litigation has been improper. This was formerly expressed by the maxim 'he who has committed iniquity shall not have equity', and relief was refused where a transaction was based on the plaintiff's fraud or misrepresentation, or where the plaintiff sought to enforce a security improperly obtained, or where he claimed a remedy for a breach of trust which he had himself procured and whereby he had obtained money. Later it was said that the plaintiff in equity must come with perfect propriety of conduct, or with clean hands. In application of the principle a person will not be allowed to assert his title to property which he has dealt with so as to defeat his creditors or evade tax, for he may not maintain an action by setting up his own fraudulent design.

The maxim does not, however, mean that equity strikes at depravity in a general way; the cleanliness required is to be judged in relation to the relief sought, and the conduct complained of must have an immediate and necessary relation to the equity sued for; it

> must be depravity in a legal as well as in a moral sense. Thus, fraud on the part of a minor deprives him of his right to equitable relief notwithstanding his disability. Where the transaction is itself unlawful it is not necessary to have recourse to this principle. In equity, just as at law, no suit lies in general in respect of an illegal transaction, but this is on the ground of its illegality, not by reason of the plaintiff's demerits."
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> (See also *Snell's Equity*, 13th Edn., pp. 30-32 and *Jai Narain Parasrampuria v. Pushpa Devi Saraf [(2006) 7 SCC 756].)*

15. In *Spry on Equitable Remedies*, 4th Edn., p. 5, referring to *Moody v. Cox [(1917) 2 Ch 71 : (1916-17) All ER Rep 548 (CA)]* and *Meyers v. Casey [(1913) 17 CLR 90]* it is stated:

> "… that the absence of clean hands is of no account 'unless the depravity, the dirt in question on the hand, has an immediate and necessary relation to the equity sued for'. When such exceptions or qualifications are examined it becomes clear that the maxim that predicates a requirement of clean hands cannot properly be regarded as setting out a rule that is either precise or capable of satisfactory operation."

Although the aforementioned statement of law was made in connection with a suit for specific performance of contract, the same may have a bearing in determining a case of this nature also.

16. In the said treatise, it was also stated at pp. 170-71:

> "In these cases, however, it is necessary that the failure to disclose the matters in question, and the consequent error or misapprehension of the defendant, should be such that performance of his obligations would bring about substantial hardship or unfairness that outweighs matters

tending in favour of specific performance. Thus, the failure of the plaintiff to explain a matter of fact, or even, in some circumstances, to correct a misunderstanding of law, may incline the court to take a somewhat altered view of considerations of hardship, and this will be the case, especially where it appears that at the relevant times the plaintiff knew of the ignorance or misapprehension of the defendant but nonetheless did not take steps to provide information or to correct the material error, or a fortiori, where he put the defendant off his guard or hurried him into making a decision without proper enquiry."

17. In *S.J.S. Business Enterprises (P) Ltd. [(2004) 7 SCC 166]* it was stated:

"14. Assuming that the explanation given by the appellant that the suit had been filed by one of the Directors of the Company without the knowledge of the Director who almost simultaneously approached the High Court under Article 226 is unbelievable (sic), the question still remains whether the filing of the suit can be said to be a fact material to the disposal of the writ petition on merits. We think not. The existence of an adequate or suitable alternative remedy available to a litigant is merely a factor which a court entertaining an application under Article 226 will consider for exercising the discretion to issue a writ under Article 226 [A.N. Venkateswaran v. Ramchand Sobhraj Wadhwani, AIR 1961 SC 1506] . But the existence of such remedy does not impinge upon the jurisdiction of the High Court to deal with the matter itself if it is in a position to do so on the basis of the affidavits filed. If, however, a party has already availed of the alternative remedy while invoking the

> jurisdiction under Article 226, it would not be appropriate for the Court to entertain the writ petition. The rule is based on public policy but the motivating factor is the existence of a parallel jurisdiction in another court. But this Court has also held in Chandra Bhan Gosain v. State of Orissa [AIR 1967 SC 767 : (1964) 2 SCR 879] that even when an alternative remedy has been availed of by a party but not pursued that the party could prosecute proceedings under Article 226 for the same relief. This Court has also held that when a party has already moved the High Court under Article 226 and failed to obtain relief and then moved an application under Article 32 before this Court for the same relief, normally the Court will not entertain the application under Article 32. But where in the parallel jurisdiction, the order is not a speaking one or the matter has been disposed of on some other ground, this Court has, in a suitable case, entertained the application under Article 32 [Tilokchand Motichand v. H.B. Munshi, (1969) 1 SCC 110 : AIR 1970 SC 898] . Instead of dismissing the writ petition on the ground that the alternative remedy had been availed of, the Court may call upon the party to elect whether it will proceed with the alternative remedy or with the application under Article 226 [K.S. Rashid and Son v. Income Tax Investigation Commn., AIR 1954 SC 207] . Therefore, the fact that a suit had already been filed by the appellant was not such a fact the suppression of which could have affected the final disposal of the writ petition on merits."

18. There is another doctrine which cannot also be lost sight of. The court would not ordinarily permit a party to pursue two parallel remedies in respect of the same subject-matter. *(See Jai Singh v. Union of India [(1977)*

1 SCC 1].) But, where one proceeding has been terminated without determination of the lis, can it be said that the disputant shall be without a remedy?

19. It will be in the fitness of context to notice *Tilokchand v. H.B. Munshi [Tilokchand Motichand v. H.B. Munshi, (1969) 1 SCC 110 : AIR 1970 SC 898] wherein it is stated: (SCC p. 115, para 6)*

> "6. Then again this Court refrains from acting under Article 32 if the party has already moved the High Court under Article 226. This constitutes a comity between the Supreme Court and the High Court. Similarly, when a party had already moved the High Court with a similar complaint and for the same relief and failed, this Court insists on an appeal to be brought before it and does not allow fresh proceedings to be started. In this connection the principle of res judicata has been applied, although the expression is somewhat inapt and unfortunate. The reason of the rule no doubt is public policy which Coke summarised as 'interest reipublicae res judicatas non rescindi' but the motivating factor is the existence of another parallel jurisdiction in another court and that court having been moved, this Court insists on bringing its decision before this Court for review. Again this Court distinguishes between cases in which a speaking order on merits has been passed. Where the order is not speaking or the matter has been disposed of on some other ground at the threshold, this Court in a suitable case entertains the application before itself. Another restraint which this Court puts on itself is that it does not allow a new ground to be taken in appeal. In the same way, this Court has refrained from taking action when a better remedy is to move the High Court under Article 226 which can go into the controversy

> more comprehensively than this Court can under Article 32."
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> (emphasis supplied)

13. The Supreme Court in the case of **Dalip Singh v. State of Uttar Pradesh and others** reported in **(2010) 2 SCC 114** has held as under:

> **1.** For many centuries Indian society cherished two basic values of life i.e. "satya" (truth) and "ahimsa" (non-violence). Mahavir, Gautam Buddha and Mahatma Gandhi guided the people to ingrain these values in their daily life. Truth constituted an integral part of the justice-delivery system which was in vogue in the pre-Independence era and the people used to feel proud to tell truth in the courts irrespective of the consequences. However, post-Independence period has seen drastic changes in our value system. The materialism has overshadowed the old ethos and the quest for personal gain has become so intense that those involved in litigation do not hesitate to take shelter of falsehood, misrepresentation and suppression of facts in the court proceedings.
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> **2.** In the last 40 years, a new creed of litigants has cropped up. Those who belong to this creed do not have any respect for truth. They shamelessly resort to falsehood and unethical means for achieving their goals. In order to meet the challenge posed by this new creed of litigants, the courts have, from time to time, evolved new rules and it is now well established that a litigant, who attempts to pollute the stream of justice or who touches the pure fountain of justice with tainted hands, is not entitled to any relief, interim or final.
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> **3.** In *Hari Narain v. Badri Das [AIR 1963 SC 1558]* this Court adverted to the aforesaid rule and

revoked the leave granted to the appellant by making the following observations: (AIR p. 1558)

> "It is of utmost importance that in making material statements and setting forth grounds in applications for special leave made under Article 136 of the Constitution, care must be taken not to make any statements which are inaccurate, untrue or misleading. In dealing with applications for special leave, the Court naturally takes statements of fact and grounds of fact contained in the petitions at their face value and it would be unfair to betray the confidence of the Court by making statements which are untrue and misleading. Thus, if at the hearing of the appeal the Supreme Court is satisfied that the material statements made by the appellant in his application for special leave are inaccurate and misleading, and the respondent is entitled to contend that the appellant may have obtained special leave from the Supreme Court on the strength of what he characterises as misrepresentations of facts contained in the petition for special leave, the Supreme Court may come to the conclusion that in such a case special leave granted to the appellant ought to be revoked."

4. In *Welcom Hotel* v. *State of A.P.* [(1983) 4 SCC 575 : 1983 SCC (Cri) 872 : AIR 1983 SC 1015] the Court held that a party which has misled the Court in passing an order in its favour is not entitled to be heard on the merits of the case.

5. In *G. Narayanaswamy Reddy v. Govt. of Karnataka [(1991) 3 SCC 261 : AIR 1991 SC 1726]* the Court denied relief to the appellant who had concealed the fact that the award was not made by the Land Acquisition Officer within the time specified in Section 11-A of the Land Acquisition Act because of the stay order passed by the High Court. While dismissing the special leave petition, the Court observed: (SCC p. 263, para 2)

> "*2*. … Curiously enough, there is no reference in the special leave petitions to any of the stay orders and we came to know about these orders only when the respondents appeared in response to the notice and filed their counter-affidavit. In our view, the said interim orders have a direct bearing on the question raised and the non-disclosure of the same certainly amounts to suppression of material facts. On this ground alone, the special leave petitions are liable to be rejected. It is well settled in law that the relief under Article 136 of the Constitution is discretionary and a petitioner who approaches this Court for such relief must come with frank and full disclosure of facts. If he fails to do so and suppresses material facts, his application is liable to be dismissed. We accordingly dismiss the special leave petitions."

6. In *S.P. Chengalvaraya Naidu* v. *Jagannath [(1994) 1 SCC 1 : JT (1993) 6 SC 331]* the Court held that where a preliminary decree was obtained by withholding an important document from the court, the party concerned deserves to be thrown out at any stage of the litigation.

7. In *Prestige Lights Ltd.* v. *SBI [(2007) 8 SCC 449]* it was held that in exercising power under Article 226 of the Constitution of India the High Court is not just a court of law, but is also a court of equity and a person who invokes the High Court's jurisdiction under Article 226 of the Constitution is duty-bound to place all the facts before the Court without any reservation. If there is suppression of material facts or twisted facts have been placed before the High Court then it will be fully justified in refusing to entertain a petition filed under Article 226 of the Constitution. This Court referred to the judgment of Scrutton, L.J. in *R.* v. *Kensington Income Tax Commissioners* [(1917) 1 KB 486 (CA)] , and observed: (*Prestige Lights Ltd. case* [(2007) 8 SCC 449] , SCC p. 462, para 35)

> In exercising jurisdiction under Article 226 of the Constitution, the High Court will always keep in mind the conduct of the party who is invoking such jurisdiction. If the applicant does not disclose full facts or suppresses relevant materials or is otherwise guilty of misleading the court, then the Court may dismiss the action without adjudicating the matter on merits. The rule has been evolved in larger public interest to deter unscrupulous litigants from abusing the process of court by deceiving it. The very basis of the writ jurisdiction rests in disclosure of true, complete and correct facts. If the material facts are not candidly stated or are suppressed or are distorted, the very functioning of the writ courts would become impossible.

14. The Supreme Court in the case of **Shri K. Jayaram and others Vs. Bangalore Development Authority and others** decided on **08.12.2021** in **Civil Appeal No.7550-7553 of 2021** has held as under:

> 15. In **K.D. Sharma v. Steel Authority of India Limited and Others**, it was held thus:
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> "34. The jurisdiction of the Supreme Court under Article 32 and of the High Court under Article 226 of the Constitution is extraordinary, equitable and discretionary. Prerogative writs mentioned therein are issued for doing substantial justice. It is, therefore, of utmost necessity that the petitioner approaching the writ court must come with clean hands, put forward all the facts before the court without concealing or suppressing anything and seek an appropriate relief. If there is no candid disclosure of relevant and material facts or the petitioner is guilty of misleading the court, his petition may be dismissed at the threshold without considering the merits of the claim.
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> 35. The underlying object has been succinctly stated by Scrutton, L.J., in the leading case of R. v. Kensington Income Tax Commrs.- (1917) 1 KB 486 : 86 LJKB 257 : 116 LT 136 (CA) in the following words: (KB p. 514) "…
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> "…… it has been for many years the rule of the court, and one which it is of the greatest importance to maintain, that when an applicant comes to the court to obtain relief on an ex parte statement he should make a full and fair disclosure of all the material facts—it says facts, not law.

> He must not misstate the law if he can help it—the court is supposed to know the law. But it knows nothing about the facts, and the applicant must state fully and fairly the facts; and the penalty by which the court enforces that obligation is that if it finds out that the facts have not been fully and fairly stated to it, the court will set aside any action which it has taken on the faith of the imperfect statement."
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> (emphasis supplied)

36. A prerogative remedy is not a matter of course. While exercising extraordinary power a writ court would certainly bear in mind the conduct of the party who invokes the jurisdiction of the court. If the applicant makes a false statement or suppresses material fact or attempts to mislead the court, the court may dismiss the action on that ground alone and may refuse to enter into the merits of the case by stating, "We will not listen to your application because of what you have done." The rule has been evolved in the larger public interest to deter unscrupulous litigants from abusing the process of court by deceiving it.

37. In Kensington Income Tax Commrs.(supra), Viscount Reading, C.J. observed: (KB pp. 495-96)

> "… Where an ex parte application has been made to this Court for a rule nisi or other process, if the Court comes to the conclusion that the affidavit in

> support of the application was not candid and did not fairly state the facts, but stated them in such a way as to mislead the Court as to the true facts, the Court ought, for its own protection and to prevent an abuse of its process, to refuse to proceed any further with the examination of the merits. This is a power inherent in the Court, but one which should only be used in cases which bring conviction to the mind of the Court that it has been deceived. Before coming to this conclusion a careful examination will be made of the facts as they are and as they have been stated in the applicant's affidavit, and everything will be heard that can be urged to influence the view of the Court when it reads the affidavit and knows the true facts. But if the result of this examination and hearing is to leave no doubt that the Court has been deceived, then it will refuse to hear anything further from the applicant in a proceeding which has only been set in motion by means of a misleading affidavit."
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> (emphasis supplied)

38. The above principles have been accepted in our legal system also. As per settled law, the party who invokes the extraordinary jurisdiction of this Court under Article 32 or of a High Court under Article 226 of the

Constitution is supposed to be truthful, frank and open. He must disclose all material facts without any reservation even if they are against him. He cannot be allowed to play "hide and seek" or to "pick and choose" the facts he likes to disclose and to suppress (keep back) or not to disclose (conceal) other facts. The very basis of the writ jurisdiction rests in disclosure of true and complete (correct) facts. If material facts are suppressed or distorted, the very functioning of writ courts and exercise would become impossible. The petitioner must disclose all the facts having a bearing on the relief sought without any qualification. This is because "the court knows law but not facts".

39. If the primary object as highlighted in *Kensington Income Tax Commrs. (supra)* is kept in mind, an applicant who does not come with candid facts and "clean breast" cannot hold a writ of the court with "soiled hands". Suppression or concealment of material facts is not an advocacy. It is a jugglery, manipulation, manoeuvring or misrepresentation, which has no place in equitable and prerogative jurisdiction. If the applicant does not disclose all the material facts fairly and truly but states them in a distorted manner and misleads the court, the court has inherent power in order to protect itself and to prevent an abuse of its process to discharge the rule nisi and refuse to proceed further with the examination of the case on merits. If the court does not reject the petition

> on that ground, the court would be failing in its duty. In fact, such an applicant requires to be dealt with for contempt of court for abusing the process of the court."
>
> 16. It is necessary for us to state here that in order to check multiplicity of proceedings pertaining to the same subject-matter and more importantly to stop the menace of soliciting inconsistent orders through different judicial forums by suppressing material facts either by remaining silent or by making misleading statements in the pleadings in order to escape the liability of making a false statement, we are of the view that the parties have to disclose the details of all legal proceedings and litigations either past or present concerning any part of the subject-matter of dispute which is within their knowledge. In case, according to the parties to the dispute, no legal proceedings or court litigations was or is pending, they have to mandatorily state so in their pleadings in order to resolve the dispute between the parties in accordance with law.

15. Now the only question for consideration is as to whether non-disclosure of pendency of review is fatal or can be said to be an immaterial suppression of fact and not fatal to the maintainability of the petition or not?

16. The Supreme Court in the case of **S. Madhusudhan Reddy Vs. V. Narayana Reddy and others** decided in **Civil Appeal No.5503-04/2022** on **18th August, 2022** has considered the scope of review and has held as under:

> 17. It is also settled law that in exercise of review jurisdiction, the Court cannot reappreciate the evidence to arrive at a different conclusion even if two views are

possible in a matter. In ***Kerala State Electricity Board v. Hitech Electrothermics & Hydropower Ltd. and Others***, this Court observed as follows:

> 10. ....**In a review petition it is not open to this Court to reappreciate the evidence and reach a different conclusion, even if that is possible**. Learned counsel for the Board at best sought to impress us that the correspondence exchanged between the parties did not support the conclusion reached by this Court. We are afraid such a submission cannot be permitted to be advanced in a review petition. **The appreciation of evidence on record is fully within the domain of the appellate court. If on appreciation of the evidence produced, the court records a finding of fact and reaches a conclusion, that conclusion cannot be assailed in a review petition unless it is shown that there is an error apparent on the face of the record or for some reason akin thereto.** It has not been contended before us that there is any error apparent on the face of the record. **To permit the review petitioner to argue on a question of appreciation of evidence would amount to converting a review petition into an appeal in disguise."**
>
> (emphasis added)

18. Under the garb of filing a review petition, a party cannot be permitted to repeat old and overruled arguments for reopening the conclusions arrived at in a judgment. The power of review is not to be confused with the appellate power which enables the Superior Court to correct errors committed by a subordinate Court. This point has been elucidated in ***Jain Studios Ltd. V. Shin Satellite Public Co. Ltd.*** where it was held thus:

> "11. So far as the grievance of the applicant on merits is concerned, the learned counsel for the opponent is right in submitting that virtually the applicant seeks the same relief which had been sought at the time of arguing the main matter and had been negatived. Once such a prayer had been refused, no review petition would lie which would convert rehearing of the original matter. **It is settled law that the power of review cannot be confused with appellate power**

> **which enables a superior court to correct all errors committed by a subordinate court. It is not rehearing of an original matter. A repetition of old and overruled argument is not enough to reopen concluded adjudications. The power of review can be exercised with extreme care, caution and circumspection and only in exceptional cases.**
>
> 12. When a prayer to appoint an arbitrator by the applicant herein had been made at the time when the arbitration petition was heard and was rejected, the same relief cannot be sought by an indirect method by filing a review petition. **Such petition, in my opinion, is in the nature of 'second innings' which is impermissible and unwarranted and cannot be granted."**
> (emphasis added)

19. After discussing a series of decisions on review jurisdiction in ***Kamlesh Verma v. Mayawati and Others***, this Court observed that review proceedings have to be strictly confined to the scope and ambit of Order XLVII Rule 1, CPC. As long as the point sought to be raised in the review application has already been dealt with and answered, parties are not entitled to challenge the impugned judgment only because an alternative view is possible. The principles for exercising review jurisdiction were succinctly summarized in the captioned case as below:

> (i) Discovery of new and important matter or evidence which, after the exercise of due diligence, was not within knowledge of the petitioner or could not be produced by him;
>
> (ii) Mistake or error apparent on the face of the record;
>
> (iii) Any other sufficient reason.
>
> The words "any other sufficient reason" has been interpreted in Chajju Ram vs. Neki, and approved by this Court in Moran Mar Basselios Catholicos vs. Most Rev. Mar Poulose Athanasius & Ors. to mean "a reason sufficient on grounds at least analogous to those

specified in the rule". The same principles have been reiterated in Union of India v. Sandur Manganese & Iron Ores Ltd. & Ors.,

20.2. When the review will not be maintainable: -

(i) A repetition of old and overruled argument is not enough to reopen concluded adjudications.

(ii) Minor mistakes of inconsequential import.

(iii) Review proceedings cannot be equated with the original hearing of the case.

(iv) Review is not maintainable unless the material error, manifest on the face of the order, undermines its soundness or results in miscarriage of justice.

(v) A review is by no means an appeal in disguise whereby an erroneous decision is re-heard and corrected but lies only for patent error.

(vi) The mere possibility of two views on the subject cannot be a ground for review.

(vii) The error apparent on the face of the record should not be an error which has to be fished out and searched.

(viii) The appreciation of evidence on record is fully within the domain of the appellate court, it cannot be permitted to be advanced in the review petition.

(ix) Review is not maintainable when the same relief sought at the time of arguing the main matter had been negatived."

20. In Aribam Tuleshwar Sharma v. Aribam Pishak Sharma, this Court was examining an order passed by the Judicial Commissioner who was reviewing an earlier judgment that went in favour of the appellant, while deciding a review application filed by the respondents therein who took a ground that the predecessor Court had overlooked two important documents that showed that the respondents were in possession of the sites through which the appellant had sought easementary rights to access his

home-stead. The said appeal was allowed by this Court with the following observations:

> "3 ...It is true as observed by this Court in Shivdeo Singh and Others v. State of Punjab there is nothing in Article 226 of the Constitution to preclude a High Court from exercising the power of review which inheres in every court of plenary jurisdiction to prevent miscarriage of justice or to correct grave and pulpable errors committed by it. But, there are definitive limits to the exercise of the power of review. The power of review may be exercised on the discovery of new and important matter or evidence which, after the exercise of due diligence was not within the knowledge of the person seeking the review or could not be produced by him at the time when the order was made; it may be exercised where some mistake or error apparent on the face of the record is found; it may also be exercised on any analogous ground. But, it may not be exercised on the ground that the decision was erroneous on merits. That would be the province of a court of appeal. A power of review is not to be confused with appellate power which may enable an appellate court to correct all manner of errors committed by the subordinate court."
>
> (emphasis added)

21. In State of West Bengal and Others v. Kamal Sengupta and Another, this Court emphasized the requirement of the review petitioner who approaches a Court on the ground of discovery of a new matter or evidence, to demonstrate that the same was not within his knowledge and held thus:

> "21. At this stage it is apposite to observe that where a review is sought on the ground of discovery of new matter or evidence, such matter or evidence must be relevant and must be of such a character that if the same had been produced, it might have altered the judgment. In other words, mere discovery of new or important matter or evidence is not sufficient ground for review ex debito justitiae. Not only this, the party seeking review has also to show that such additional matter or evidence was not within its knowledge and even after the exercise of due diligence, the same could not be produced before the court earlier."
> (emphasis added)

22. In the captioned judgment, the term 'mistake or error apparent' has been discussed in the following words:

> "22. The term 'mistake or error apparent' by its very connotation signifies an error which is evident per se from the record of the case and does not require detailed examination, scrutiny and elucidation either of the facts or the legal position. If an error is not self-evident and detection thereof requires long debate and process of reasoning, it cannot be treated as an error apparent on the face of the record for the purpose of Order 47 Rule 1 CPC or Section 22(3) (f) of the Act. To put it differently an order or decision or judgment cannot be corrected merely because it is erroneous in law or on the ground that a different view could have been taken by the court/tribunal on a point of fact or law. In any case, while exercising the power of review, the court/tribunal concerned cannot sit in appeal over its judgment/decision".
>
> (emphasis added)

23. In S. Nagaraj and Others v. State of Karnataka and Another, this Court explained as to when a review jurisdiction could be treated as statutory or inherent and held thus:

> "18. Justice is a virtue which transcends all barriers. Neither the rules of procedure nor technicalities of law can stand in its way. The order of the court should not be prejudicial to anyone. Rule of stare decisis is adhered for consistency but it is not as inflexible in Administrative Law as in Public Law. Even the law bends before justice. Entire concept of writ jurisdiction exercised by the higher courts is founded on equity and fairness. If the court finds that the order was passed under a mistake and it would not have exercised the jurisdiction but for the erroneous assumption which in fact did not exist and its perpetration shall result in miscarriage of justice then it cannot on any principle be precluded from rectifying the error. Mistake is accepted as valid reason to recall an order. Difference lies in the nature of mistake and scope of rectification, depending on if it is of fact or law. But the root from which the power flows is the anxiety to avoid injustice. It is either statutory or inherent. The latter is available where the mistake is of the Court".

(emphasis added)

24. In Patel Narshi Thakershi and Others v. Shri Pradyuman Singhji Arjunsinghji, this Court held as follows:

> "4.....**It is well settled that the power to review is not an inherent power. It must be conferred by law either specifically or by necessary implication.** No provision in the Act was brought to notice from which it could be gathered that the Government had power to review its own order. If the Government had no power to review its own order, it is obvious that its delegate could not have reviewed its order....."

(emphasis added)

25. In ***Ram Sahu (Dead) Through LRs and Others v. Vinod Kumar Rawat and Others***, citing previous decisions and expounding on the scope and ambit of Section 114 read with Order XLVII Rule 1, this Court has observed that Section 114 CPC does not lay any conditions precedent for exercising the power of review; and nor does the Section prohibit the Court from exercising its power to review a decision. However, an order can be reviewed by the Court only on the grounds prescribed in Order XLVII Rule 1 CPC. The said power cannot be exercised as an inherent power and nor can appellate power be exercised in the guise of exercising the power of review.

26. As can be seen from the above exposition of law, it has been consistently held by this Court in several judicial pronouncements that the Court's jurisdiction of review, is not the same as that of an appeal. A judgment can be open to review if there is a mistake or an error apparent on the face of the record, but an error that has to be detected by a process of reasoning, cannot be described as an error apparent on the face of the record for the Court to exercise its powers of review under Order XLVII Rule 1 CPC. In the guise of exercising powers of review, the Court can correct a mistake but not substitute the view taken earlier merely because there is a possibility of taking two views in a matter. A judgment may also be open to review when any new or important matter of evidence has emerged

after passing of the judgment, subject to the condition that such evidence was not within the knowledge of the party seeking review or could not be produced by it when the order was made despite undertaking an exercise of due diligence. There is a clear distinction between an erroneous decision as against an error apparent on the face of the record. An erroneous decision can be corrected by the Superior Court, however an error apparent on the face of the record can only be corrected by exercising review jurisdiction. Yet another circumstance referred to in Order XLVII Rule 1 for reviewing a judgment has been described as "for any other sufficient reason". The said phrase has been explained to mean "a reason sufficient on grounds, at least analogous to those specified in the rule" (Refer: **Chajju Ram v. Neki Ram and Moran Mar Basselios Catholicos and Anr. v. Most Rev. Mar Poulose Athanasius and Others**).

27. In the light of the legal position crystalized above, let us now examine the grievance raised by the appellant. The learned Single Judge of the High Court has taken great pains to discuss the three circumstances available under Order XLVII CPC for maintaining a review application and observed that in the instant case, the respondents had stated before this Court that they had in their possession, genuine documents relating to surrender of the protected tenancy rights in respect of the subject land and in view of the said submission, the petitions for Special Leave to Appeal were disposed of with an observation that if the respondents were able to obtain such documents, it would be open to them to file a review petition before the High Court. What is relevant is that this Court had even then declined to interfere with the findings on merits returned by the High Court vide Judgment dated 09th July, 2013; nor was the review order dated 20th February, 2014, interfered with. Under the garb of the liberty granted to them to approach the High Court again, all that the respondents have done is to obtain certified copies of the revenue records in respect of the subject land and enclosed them with the second set of review petitions. This is so

> when photocopies of the said documents had been filed by them earlier."

17. It is well established principle of law that no appeal lies against the order dismissing the review which is evident from Order 43 Rule 1(w) of CPC. Furthermore, the scope of review is much narrower than the scope of an appeal or writ petition. However, it is always expected that the litigant must disclose all past and present litigations concerning the subject matter. No party can be permitted to decide on its own as to whether any fact is a material fact or not? This aspect should be left to the decision of the Court. Failing to disclose the details of past and present litigations involving the subject matter amounts to material suppression of facts.

18. The Supreme Court in the case of **T.K. David vs. Kuruppampady Service Co-operative Bank Ltd. & others** decided on **05 October, 2020** in **SLP (Civil) No.10482/2020** has held as under:

> 12. This Court after considering the earlier judgment of this Court held that special leave petition is not maintainable. In paragraphs 3 and 4 following was laid down:-
>
> "**3.** We find ourselves unable to agree with the views expressed by this Court in *Eastern Coalfields Limited* (supra). In our view, once the High Court has refused to entertain the review petition and the same was dismissed confirming the main order, there is no question of any merger and the aggrieved person has to challenge the main order and not the order dismissing the review petition because on the dismissal of the review petition the principle of merger does not apply. In this connection reference may be made to the Judgment of this Court in *Manohar S/o Shankar Nale v. Jaipalsing S/o Shivlalsing Rajput* (2008) 1 SCC 520 wherein this

Court has taken the view that once the review petition is dismissed the doctrine of merger will have no application whatsoever. This Court in *DSR Steel (Private) Limited v. State of Rajasthan* (2012) 6 SCC 782 also examined the various situations which might arise in relation to the orders passed in review petitions. Reference to paragraphs 25, 25.1, 25.2 and 25.3 is made, which are extracted below for ready reference:

> "25. Different situations may arise in relation to review petitions filed before a court or tribunal.
>
> 25.1. One of the situations could be where the review application is allowed, the decree or order passed by the court or tribunal is vacated and the [pic] appeal/proceedings in which the same is made are reheard and a fresh decree or order passed in the same. It is manifest that in such a situation the subsequent decree alone is appealable not because it is an order in review but because it is a decree that is passed in a proceeding after the earlier decree passed in the very same proceedings has been vacated by the court hearing the review petition.
>
> 25.2. The second situation that one can conceive of is where a court or tribunal makes an order in a review petition by which the review petition is allowed and the decree/order under review is reversed or modified. Such an order shall then be a composite order whereby the court not only vacates the earlier decree or order but simultaneous with such vacation of the earlier decree or order, passes another decree or order or modifies the one made earlier. The decree so vacated reversed or modified is then the decree that is effective for the purposes of a further appeal, if any, maintainable under law.
>
> 25.3. The third situation with which we are concerned in the instant case is where the revision petition is filed before the Tribunal but

> the Tribunal refuses to interfere with the decree or order earlier made. It simply dismisses the review petition. The decree in such a case suffers neither any reversal nor an alteration or modification. It is an order by which the review petition is dismissed thereby affirming the decree or order. In such a contingency there is no question of any merger and anyone aggrieved by the decree or order of the Tribunal or court shall have to challenge within the time stipulated by law, the original decree and not the order dismissing the review petition. Time taken by a party in diligently pursing the remedy by way of review may in appropriate cases be excluded from consideration while condoning the delay in the filing of the appeal, but such exclusion or condonation would not imply that there is a merger of the original decree and the order dismissing the review petition."

13. We may also notice another elaborate judgment of this Court in **Bussa Overseas and Properties Private Limited and Anr. Vs. Union of India and Anr., (2016) 4 SCC 696**. In the above case also special leave petition was filed against the Division Bench judgment of the High Court rejecting the review petition. Facts have been noticed in paragraph 1, which is to the following effect:-

> ".....The present appeal is directed against the judgment and order dated 14-9-2004 passed by the Division Bench of the High Court of Judicature at Bombay in *Bussa Overseas & Properties (P) Ltd. v. Union of India* [Notice of Motion No. 62 of 2004, decided on 14-9-2004 (Bom)] whereby the High Court while dealing with an application of review has declined to condone the delay of 129 days in preferring the application for review and also opined that the application for review was totally devoid of merit. The expression of the said view led to dismissal of the application for review."

14. In the above case, this Court noticed several earlier judgments and accepting the preliminary objection held that the special leave petition is not maintainable. Following was held in paragraphs 29 to 32:-

> **"29**. Needless to state that when the prayer for review is dismissed, there can be no merger. If the order passed in review recalls the main order and a different order is passed, definitely the main order does not exist. In that event, there is no need to challenge the main order, for it is the order in review that affects the aggrieved party.
>
> **30.** The decisions pertaining to maintainability of special leave petition or for that matter appeal have to be seemly understood. Though in the decision in *Shanker Motiram Nale [Shanker Motiram Nale v. Shiolalsing Gannusing Rajput*, (1994) 2 SCC 753] the two-Judge Bench referred to Order 47 Rule 7 of the Code of Civil Procedure that bars an appeal against the order of the court rejecting the review, it is not to be understood that the Court has curtailed the plenary jurisdiction under Article 136 of the Constitution by taking recourse to the provisions in the Code of Civil Procedure. It has to be understood that the Court has evolved and formulated a principle that if the basic judgment is not assailed and the challenge is only to the order passed in review, this Court is obliged not to entertain such special leave petition. The said principle has gained the authoritative status and has been treated as a precedential principle for more than two decades and we are disposed to think that there is hardly any necessity not to be guided by the said precedent.
>
> 31. In this context, we may profitably reproduce a passage from *State of A.P. v. A.P. Jaiswal* [(2001) 1 SCC 748] wherein a three-Judge Bench has observed thus: (SCC p. 761, para 24)
>
> "24. Consistency is the cornerstone of

> the administration of justice. It is consistency which creates confidence in the system and this consistency can never be achieved without respect to the rule of finality. It is with a view to achieve consistency in judicial pronouncements, the courts have evolved the rule of precedents, principle of stare decisis, etc. These rules and principle are based on public policy....”
>
> 32. In view of the aforesaid analysis, the submission of Mr. Gulati that all the subsequent judgments are per incuriam as they have not taken into consideration the decision rendered in *Thungabhadra Industries Ltd. [Thungabhadra Industries Ltd. v. State of A.P.*, AIR 1964 SC 1372 : (1964) 5 SCR 174] is not correct. Consequently, the appeal, being not maintainable, stands dismissed. There shall be no order as to costs.”

19. To decide as to whether the review would be allowed or not cannot be said to be prerogative of the litigant. He has to disclose the fact so that the Appellate Court or the Writ Court can adjudicate as to whether a liberty should be given to approach the Court after the review application is decided or not? Thus, the non-disclosure of past and present litigations amounts to material suppression of fact.

20. The counsel for the petitioner could not rebut the submission that a review has been filed by the petitioner and it is still pending.

21. The counsel for respondents Nos.1 to 5 has provided the photocopy of the order sheets of the Court of Additional Commissioner, Rewa Division, Rewa according to which the next date before the Additional Commissioner order was 27.04.2023.

22. Under these circumstances, this Court is of the considered opinion that this petition suffers from material facts. The review petition was filed on 16.03.2020 whereas this petition was filed on 13.01.2021 much after the filing of the review petition and therefore, it was necessary on the part of the petitioner to disclose the pendency of the review petition.

23. Since the petition suffers from material suppression of fact, therefore, it is **dismissed** with a cost of **Rs.10,000/- (Rupees Ten Thousand Only)** to be deposited in the Registry of this Court within a period of two months from today.

24. However, in order to do complete justice, an opportunity is granted to the petitioner to file a fresh petition after the disposal of the review. In case if a fresh petition is filed by the petitioner, then he shall specifically point out the filing of this petition as well as the order passed today alongwith the receipt of deposit of Rs.10,000/-.

(G.S. AHLUWALIA)
JUDGE

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