

Fraud - “finality of litigation” - The principle of “finality of litigation” cannot be pressed to the extent of such an absurdity that it becomes an engine of fraud in the hands of dishonest litigants - The courts of law are meant for imparting justice between the parties - One who comes to the court, must come with clean hands - We are constrained to say that more often than not, process of the court is being abused - Property-grabbers, tax-evaders, bank-loan-dodgers and other unscrupulous persons from all walks of life find the court-process a convenient lever to retain the illegal-gains indefinitely - We have no hesitation to say that a person, who’s case is based on falsehood, has no right to approach the court. He can be summarily thrown out at any stage of the litigation.

Held,

The High Court, in our view, fell into patent error. The short question before the High Court was whether in the facts and circumstances of this case, Jagannath obtained the preliminary decree by playing fraud on the court. The High Court, however, went haywire and made observations which are wholly perverse. We do not agree with the High Court that “there is no legal duty cast upon the plaintiff to come to court with a true case and prove it by true evidence”.

1993 PLRonline 0002 , (1995-1)109 PLR 293 (SC)

S. P. Chengalvaraya Naidu v. Jagannath, 1993 PLRonline 0002 , (1995-1)109 PLR 293 (SC)