



Specific Relief Act s. 20 – Specifically provides that the Court’s discretion to grant decree of specific performance is discretionary but not arbitrary – Discretion must be exercised in accordance with sound and reasonable judicial principles.

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**Specific Relief Act 1963, S. 20 - [specific performance](#) of a [contract](#) regarding the sale of immovable property - Remedy for specific performance is an equitable remedy and Section 20 of the Specific Relief Act confers a discretion on the Court - It is well settled that remedy for specific performance is an equitable remedy - The court while granting decree of specific performance exercises its discretionary [jurisdiction](#) - Section 20 of the Specific Relief Act specifically provides that the Court's discretion to grant decree of specific performance is discretionary but not arbitrary - Discretion must be exercised in accordance with sound and reasonable judicial principles - The equitable discretion to grant or not to grant a relief for specific performance also depends upon the [conduct](#) of the parties - The necessary ingredient has to be proved and established by the plaintiff so that discretion would be exercised judiciously in favour of the plaintiff - At the same time, if the defendant does not come with clean hands and suppresses material facts and [evidence](#) and misled the Court then such discretion should not be exercised by refusing to grant specific performance.**

*Held*, In the instant case, as noticed above, although defendant no.2 held a registered power of attorney on behalf of defendant no.1 to sell and dispose of the property, but the defendants not only made a false statement on affidavit that the power of attorney had authorized the second defendant only to look after and manage the property but also withheld the said power of attorney from the Court in order to misguide the Court from truth of the facts. Further, by registered [agreement](#) the defendants agreed to sell the suit premises after receiving advance consideration but they denied the existence of the agreement in their pleading. Such conduct of the defendants in our opinion, disentitle them to ask the Court for exercising discretion in their favour by refusing to grant a decree for specific performance. Further, if a party to a lis does not disclose all material facts truly and fairly but states them in distorted manner and mislead the Court, the Court has inherent power to exercise its discretionary jurisdiction in order to prevent abuse of the process of law

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