

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND
THE STATE OF ANDHRA PRADESH**

* * * *

W.P.No.21806 of 2015

Between:

Smt. A. Uma Devi

.. Petitioner

and

The State of Telangana and others

.. Respondents

DATE OF JUDGMENT PRONOUNCED: July 16, 2015

SUBMITTED FOR APPROVAL:

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**THE HON'BLE SRI JUSTICE R. SUBHASH REDDY
AND
THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA**

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| 1. Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be marked to Law Reporters/Journals? | Yes/No |
| 3. Whether their Ladyship/Lordship wish to see the fair copy of the Judgment? | Yes/No |

THE HON'BLE SRI JUSTICE R. SUBHASH REDDY

AND
THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

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WRIT PETITION No.21806 OF 2015

ORDER: (Per Hon'ble Sri Justice R. Subhash Reddy)

This Writ Petition is filed questioning the exemption Certificate, dated 18.03.2015, issued to the 4th respondent under Sections 12 and 13 of the Legal Services Authorities Act, 1987 (for short, 'the Act').

On an application made by the 4th respondent for providing legal aid, having satisfied with the *prima facie* case of the 4th respondent to prosecute the case, the impugned Certificate providing legal services was issued as contemplated under Sections 12 and 13 of the Act read with A.P. State Legal Services Authority Rules, 1995 and A.P. State Legal Services Authority Regulations, 1996. In the Certificate, it is also stated that as per G.O.Ms.No.73, Law (LA & J-Home Courts D) Department, dated 19.06.2007, G.O.Ms.No.86, Law (LA & J – Home Courts D) Department, dated 27.07.2007 and the Gazette notification issued thereunder, the person, who is entitled and provided legal aid, is entitled to exemption from payment of Court fee.

In this Writ Petition, the impugned Certificate is

questioned mainly on the ground that the 4th respondent is not economically weak and she is having huge properties and as such, she is not entitled to legal aid and also for grant of exemption.

Learned counsel for the petitioner, in support of his argument that merely because the 4th respondent is a woman, she is not entitled to legal aid automatically, has placed reliance on the judgments of this Court in **Masarath Jahan Begum v. Smt. Masood Hashin Ali & others**^[1] and **Syed Javeed v. District Legal Services Authority, Ranga Reddy District**^[2].

Having heard the learned counsel for petitioner and the learned Government Pleader for Revenue, we have also perused the provisions under Chapter IV i.e., Sections 12 and 13 of the Act.

Section 12 of the Act provides the criteria for giving legal services, as per which, every person who has to file or defend a case shall be entitled to legal services under the Act, if that person falls under any of the categories mentioned in Section 12 (a) to (h). Under Section 12 (c) of the Act, a woman or a child is entitled to legal services. Section 13 of the Act states that a person who satisfy all or any of the criteria specified in Section 12 shall be

entitled to receive legal services provided that the concerned Authority is satisfied that such person has a *prima facie* case to prosecute or to defend. For providing legal aid in exercise of powers conferred under Section 12 (c) of the Act, economic criteria of the applicant is irrelevant. So far as Section 13 (1) of the Act is concerned, if the legal Authority satisfies with the *prima facie* case of the applicant, either to prosecute or defend, legal aid can be extended.

From a perusal of the impugned Certificate, it is clear that the case of the 4th respondent is stated in brief. Hence, it appears that only after having satisfied with the *prima facie* case of the 4th respondent, the exemption Certificate came to be issued. In any event, the petitioner, who is defendant in the Suit, is not entitled to question the impugned Certificate on the ground that the 4th respondent is not economically weak, as much as the 4th respondent is a woman and falls under Section 12 (c) of the Act.

Further, we have also perused the judgments relied on by the learned counsel for petitioner, but the said judgments would not render any assistance in support of the case of the petitioner. Hence, we do not find any merit in this Writ Petition.

Accordingly, the Writ Petition is dismissed. It is made clear that the observations made by this Court on the financial status of the 4th respondent shall be construed to have been made only with regard to the issuance of impugned Certificate, but with regard to the merits of the case, the same has to be adjudicated independently, uninfluenced by any of the observations made in this order or in the impugned Certificate.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. No costs.

R. SUBHASH

REDDY, J

A. SHANKAR

NARAYANA, J

July 16, 2015

MD

[\[1\]](#) 2011 (2) ALD 855

[\[2\]](#) AIR 2013 AP 56