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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR No.2171 of 2015 (O&M)

Date of decision: March 27, 2015

P.N. Bhartia Ex. Warehouse Manager (retired)

.....Petitioner

Versus

Punjab State Warehousing Corporation through
District Manager, Muktsar

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. B.S. Mittal, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition challenging the order dated 10.03.2015 (Annexure P-3), whereby application moved by the petitioner to enable him to pursue the appeal as an indigent person, was dismissed.

Learned counsel for the petitioner has submitted that decree for recovery of ₹1,95,13,848.40P alongwith interest has been passed against the petitioner, in a suit filed by the respondent for recovery. Petitioner is a retired employee and is unable to affix the necessary court fee.

Respondent had filed suit for recovery against the petitioner on account of loss caused to the Corporation qua wheat stock in question. Suit filed by the Corporation was decreed by the trial Court vide judgment/decreed dated 25.10.2011. Petitioner has filed appeal against the said judgment and decree. Alongwith the appeal, petitioner moved

an application for permission to file the appeal as an indigent person. On the pleadings of the parties, issues were framed by the Appellate Court. The Appellate Court while dismissing the application has held that as per the report of the tehsildar, petitioner was having immovable property in the shape of a house and articles more than ₹10,000/-. Petitioner is also receiving pension to the tune of ₹14,616/- per month. Petitioner was also entitled to an amount of ₹4,00,000/- as retiral dues. However, out of the said amount ₹3,81,281/- were deducted on account of some payments, which were liable to be made by the petitioner to the Corporation and ₹23,777/- were released to the petitioner.

In these circumstances, learned Appellate Court rightly held that the petitioner had the capacity to affix the Court fee.

No ground for interference by this Court, is made out.

Dismissed.

**(SABINA)
JUDGE**

March 27, 2015

m.singh