

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

CR No. 5452 of 2013 (O&M)

Date of decision: 20.03.2015

Harjinder Singh and others

... Petitioners

versus

Nirmal Singh

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Harkesh Manuja, Advocate for the petitioners.

K.Kannan, J.

The petition for prosecution of the suit as an indigent person was contested by the respondent who pointed out to the fact that subsequent to the institution of suit, there had been a survival of interest in immovable property by inheritance from his father and mutation of revenue entry was also made in favour of the plaintiff. The Court only relied on the report of the Deputy Commissioner drawn before the date of death of the father and before the mutation was done. The trial Court has evidently missed an objection of what was taken. The order passed is set aside, the plaintiff shall be called upon to pay the court fee on the basis of the interest in the property that is revealed by the succession and the mutation entered in the name of the plaintiff.

The order passed is set aside and the civil revision petition is allowed.

**(K.KANNAN)
JUDGE**

20.03.2015

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