

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 6149 of 2015 (O/M)
Date of decision : 17.9.2015

Miss Shweta Aggarwal

..... Revisionist

Versus

Priti Paul Saraf

..... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Vivek Khatri, Advocate, for the revisionist.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

Impugned in the present revision is the order dated 18.8.2015, passed by the learned Additional Civil Judge (Senior Division), Hisar, vide which the application of the present revisionist to sue as an indigent person under Order 33 Rule 1 read with 151 of Code of Civil Procedure, 1908 (in short 'CPC'), was dismissed.

Briefly stated, the plaintiff/revisionist has filed a suit for recovery of rupees one crore as damages from the defendant alongwith interest at the rate of 18% per annum from the date of filing the suit till its realization. Alongwith the suit, an application for

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granting permission to her to sue as an indigent person under Order 33 Rule 1 CPC was filed, which was dismissed by the lower Court.

I have heard the learned counsel for the plaintiff/revisionist and have also carefully gone through the file.

The observations of the lower Court regarding the bank account of the present revisionist are reproduced as under :-

“10. A perusal of statement of account would reveal that there were certain transactions in this account which includes deposition of Rs. 30,000/-, Rs. 1 lac and Rs. 26,000/- as well as withdrawn of the same from the account. The account has been stated to be opened since 1.6.2011 and is operational till 1.2.2015 i.e. to say on the day of filing of present application as well as on the day when the statement of applicant Shweta was recorded as AW1, the account was operational. As such, the applicant has infact concealed this fact from the Court. Further perusal of account statement Ex.R1 would reveal that there are deposits in the account i.e. Rs. 1,50,000/-, Rs. 1,55,000/-, Rs. 1,30,000/-, Rs. 1 lac etc. alongwith several minor deposits of Rs. 10,000/-, Rs. 11,000/- and Rs. 29,000/- etc. i.e. to say money is regularly flowing in the account of applicant Shweta and is being withdrawn as well from the bank by the applicant herself. These transactions have no where been explained by the applicant nor it has been disclosed as to on what account, the payments were received by her.”

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There is nothing to rebut these observations showing the regular inflow of money in the account of the revisionist and withdrawal thereof.

The plea of the learned counsel for the present revisionist is that the revisionist is a student and cannot pay the heavy court fee on the suit for damages of rupees one crore.

I am of the view that the fact that the present revisionist had infact a bank account, in which there was regular inflow of money, as observed by the lower Court and the account was closed on the day of filing of the present application goes to show that the applicant/revisionist is not a bonafide. The applicant/revisionist has already engaged a counsel, which makes it evident that she can pay the fee to the private counsel. It being so, there is no illegality or infirmity in the impugned order.

The present revision is accordingly dismissed.

(KULDIP SINGH)
JUDGE

17.9.2015
sjks