

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

**Civil Revision No.6294 of 2012 (O&M)  
Date of Decision: September 17, 2015**

**Harkiran Singh**

**.... Petitioner**

**vs.**

**Food Corporation of India and others**

**.... Respondents**

**CORAM: HON'BLE MR. JUSTICE KULDIP SINGH**

**Present:** Mr. Rahul Rampal and Mr. Achin Gupta, Advocates  
for the petitioner.

Mr. K.K. Gupta, Advocate for the respondent.

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment?*
- 2. To be referred to the Reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

**Kuldip Singh J.(Oral)**

Impugned in the present revision petition is the orders dated 15.02.2012 and 23.04.2012 passed by learned District Judge, Faridkot. Vide the first impugned order, the application of the present petitioner for permission to file the appeal as indigent person, was declined and vide second impugned order dated 23.04.2012, the appeal was dismissed for non-filing of the court fee.

I have heard learned counsel for the parties and have also carefully gone through the case file.

A perusal of the impugned order dated 23.04.2012, declining the application of the present petitioner for permission to file the appeal as indigent person, shows that the first appellate court has relied upon the copy of jamabandi showing that Balwinder Singh

father of the petitioner owns immovable property. He was previously working as Quality Inspector and received certain service benefits.

I am of the view that the income and the property of the father of the present petitioner cannot be considered to determine the status of the present petitioner as indigent person. In fact, no proper inquiry was conducted by calling for the report of the Collector concerned and no other evidence or documents were produced to show that whether the petitioner had got sufficient sources to pay the court fee or not? Therefore, the first appellate court gravely erred in considering the property and income of the father of the present petitioner for deciding whether the petitioner is an indigent person or not. Thus, the impugned order dated 15.02.2012 is set aside. Consequently, the second order dated 23.04.2012, dismissing the appeal for non-filing of the court fee also stands set aside.

The first appellate court is directed to conduct an inquiry and call for the report of the Collector and conduct other inquiry necessary to determine as to whether the present petitioner is an indigent person or not and dispose of the matter on merits.

The parties are directed to put in appearance before the first appellate court on 20.10.2015.

The present revision petition is, accordingly, allowed.

**September 17, 2015**  
sarita

**(KULDIP SINGH)**  
**JUDGE**