

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

CR No. 996 of 2012 (O&M)

Date of decision: September 21, 2015

Manjit Kaur

...Petitioner

Versus

Parminder Singh

...Respondent

CORAM:- HON'BLE MR. JUSTICE K. KANNAN

1. **Whether Reporters of local papers 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?**

Present: Mr. S.S. Sidhu, Advocate,
for the petitioner.

Mr. PS Dhaliwal, Advocate,
for the respondent.

K. KANNAN, J. (Oral)

1. The revision is against the order dismissing an application seeking for permission to file the suit as an indigent person. The court has found that she has not disclosed an item of property which she inherited from her father. The plaintiff's contention was that the property inherited by her from her father was in the hands of her brother and she, therefore, did not have any income from that property to pay court fee.

2. If a person did not have the resources but had the property, the same ought to be still disclosed in the application in the manner required to be done under Order 33 Rule 1 of the Code of Civil Procedure. Rule 2 sets out a duty on the applicant that requires the particulars of the property

movable and immovable belonging to the applicant to be set forth in the schedule with the property value thereof. Rule 5 contains a ground for rejection of the application which include a ground that the applicant was not shown to be an indigent person. If the entitlement of the property is admitted fact, now the question is really whether the petition contained the contents which it was bound to contain as required in law. The issue of indigency will be considered only from the point of view of what is disclosed and if there was a failure to disclose a particular asset, she was bound to be dispaupered. It will be no argument to make that the property is not capable of yielding any income, if in the first place, the applicant has not given details of such property. The order already passed by the court below is maintained and the petitioner is afforded one more opportunity to pay the court fee payable within six weeks from the date of receipt of a copy of this order, failing which the suit is ordered to be rejected in the manner prescribed under Order 7 Rule 11 of the CPC.

3. The order already passed is sustained and the revision is disposed of on the above terms.

September 21, 2015
prem

(K.KANNAN)
JUDGE