

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.5015 of 2014 (O&M)

Date of Decision.25.01.2016

Bhupinder Kaur

.....Petitioner

Vs.

Piara Singh and others

.....Respondents

Present: Mr. Arvind Singh Sandhu, Advocate
for the petitioner.

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?

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K. KANNAN J. (ORAL)

C.M. No.1340-CII of 2016

There is an application for restoration of the revision which was dismissed for default. The counsel says that he will argue the revision on merits for appropriate consideration.

The application is allowed. The revision petition is restored to its original number and the revision is taken up for consideration today itself.

C.R. No.5015 of 2014

1. At the outset the counsel says that he would only require time to pay the court fee within a period of five months. The Court fee is directed to be paid within a period of two months from today, failing which the Court will take the procedure as prescribed under Order 7 Rule 11(c) CPC. If the petitioners are in any way fettered by their indigency and it is possible for the petitioners to maintain a case under Order 33 CPC, it will be open to them to move such an application and

the Court will consider whether they come within the parameters of indigent persons as prescribed under the provisions namely taking note of all the properties that they were possessed of and from which the resources are capable of being gathered as either sufficient or not to pay the court fee. They must also satisfy that they have not sold or entered into sale of the suit property within a period of two months before the filing of the suit and of the application for claiming indigency. If such an application is filed, the Court will consider the same on merits after serving with notice to the respondents as well as to the counsel appearing on behalf of the Government to test the indigency. The order already passed will not come in the way if such an exercise is undertaken.

2. In the order passed above, I have not secured the presence of the counsel appearing on behalf of the respondents. This is on account of the fact that I have maintained the order regarding the requirement of court fee to be paid for setting aside the sale which the plaintiffs are seeking to be set aside although the petition in revision had been that they are not liable to set aside the sale and ad valorem court fee is not payable. I am literally upholding an objection taken by the respondent but I have only permitted him for payment of court fee to an extended date or apply exemption of payment of court fee in the manner delineated above. The order already passed is modified and the revision petition is disposed of with the above directions.

(K. KANNAN)
JUDGE

January 25, 2016
Pankaj*