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

**Civil Revision No.5950 of 2016 (O&M)
Date of Decision: 22.10.2016**

PIARI DEVI

.....Petitioner

Vs

KAILASH DEVI

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Aftab Singh Khara, Advocate
for the petitioner.

RAJ MOHAN SINGH, J (Oral)

[1]. Petitioner has assailed judgment and decree dated 17.11.2014 passed by the trial Court as well as order dated 10.09.2015 passed by the Additional District Judge, Sirsa dismissing the appeal for want of affixation of requisite court fee by the petitioner.

[2]. Petitioner was defendant in a suit for specific performance which was decreed against her vide judgment and decree dated 17.11.2014. Petitioner filed appeal before the lower Appellate Court against the aforesaid judgment and decree along with an application under Order 33 Rule 1 CPC for declaring the petitioner to be an indigent person. The said

application was dismissed by the lower Appellate Court vide order dated 10.08.2015 and the petitioner was directed to pay the requisite court fee on or before 10.09.2015.

[3]. Order dated 10.08.2015 was never assailed by the petitioner in appropriate forum, nor the same has been assailed in the present revision.

[4]. Petitioner did not deposit the requisite court fee even before the lower Appellate Court within the time stipulated in the order, therefore, appeal was dismissed for want of payment of requisite court fee.

[5]. In the present revision petition, order dated 10.08.2015 has not been assailed, nor any legal ground could be pointed out for condonation of latch on the part of the petitioner. Since the petitioner was not declared to be indigent person before the lower Appellate Court and she also failed to deposit the requisite court fee within time framed by the lower Appellate Court, therefore, there is no scope for interference in the present revision petition.

[6]. In view of above, this revision petition is accordingly dismissed.

[7]. The application under Order 33 Rule 1 CPC filed along

with revision petition cannot be entertained in view or order dated 10.08.2015 passed by the lower Appellate Court.

October 22, 2016
Atik

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned Yes / No

Whether reportable Yes / No