

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

Civil Revision No.8191 of 2015
Date of Decision: May 31st, 2016

Paramjit Singh

...Petitioner

Versus

Sukhwinder Singh

...Respondent

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

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.V.K.Gupta, Advocate,
for the petitioner.

Mr.Krishan Singh, Advocate,
for the respondent.

AMIT RAWAL, J. (Oral)

Petitioner-plaintiff is aggrieved of the impugned order, whereby application seeking leave of the Court to pursue the suit as an indigent persons, has been dismissed.

Mr.V.K.Gupta, learned counsel for the petitioner-plaintiff submits that the petitioner is 70% handicapped/disabled. The suit is filed

claiming damages to the tune of ₹30.00 lacs on account of malicious

prosecution. The report of the Collector supported the averments made in the application seeking exemption, but the trial Court dismissed the same by holding that there is categorical admission with regard to selling of the property for certain amounts. He further submits that in a suit for damages, the trial Court can call upon the plaintiff to pay the exact court fee after the parties to the lis have led evidence as the damages can be ascertained only if the parties are allowed to prove the case as set out in the pleadings. In support of his contention, relies upon the judgment rendered by this Court in **Civil Revision No.2785 of 2001 (Subhash Chander Goel Versus Harvind Sagar)**, decided on 21.2.2003.

He further submits that he will withdraw the application for seeking leave of the Court to pursue the suit as an indigent person and as a tentative measure will affix the court fees as and when the trial court quantifies the amount of damages if able to prove to pay at a later stage.

Mr.Krishan Singh, learned counsel for the respondent-defendant submits that the trial Court declined the application on the basis of the candid admission of the petitioner with regard to sale of the property for ₹7.00 lacs odd amount and, thus, urges this Court for affirming the findings.

I have heard the learned counsel for the parties and

appraised the paper book.

In view of the submission of the learned counsel for the petitioner-plaintiff, the impugned order is set-aside on the ground that the application seeking leave of the Court to pursue the suit as an indigent person is being withdrawn. Liberty is granted to the petitioner to affix the court fees as per the ratio decidendi culled out in **Subhash Chander Goel's case (supra)**. The trial Court shall call upon the petitioner in case he is able to make out a case before the fag-end of the trial, i.e., during the course of the hearing and the respondent-defendant is also not precluded from raising the objection.

Revision petition stands disposed of in view of the aforementioned terms.

May 31st, 2016
ramesh

(AMIT RAWAL)
JUDGE