

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

C.R. No.863 of 2016 (O&M)
Date of Decision.08.02.2016

Joginder Singh

.....Petitioner

Vs.

Simarjit Kaur and others

.....Respondents

Present: Ms. Puja Chopra, 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)

1. The defendant is aggrieved that the legal representatives of a person claiming to be indigent person have been given opportunity to give their own evidence regarding the indigency. According to the counsel, the trial Court had already found the original plaintiff being not an indigent person and has dismissed the claim to such status and the Appellate Court has not considered the same. In my view, so long as the legal representatives are not being permitted to prosecute the case as indigent persons by setting aside the order of the court below and they have only been allowed to file a fresh petition, the defendant cannot treat himself as aggrieved person to complain in revision.

2. The defendant will be at liberty to point out not only to the fact that the legal representatives themselves are not indigent but also entitled to show any estate of the deceased as having been inherited by them that shall disqualify for such a status for prosecuting the case under

Order 33 CPC.

3. The revision petition is dismissed with the above observations.

(K. KANNAN)
JUDGE

February 08, 2016
Pankaj*