

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

CR No.8413 of 2016.

Date of Decision: 23.01.2017.

Gurcharan Singh

....Petitioner.

VERSUS

Punjab State Civil Supplies Corporation Ltd. (PUNSUP) and others

....Respondents.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Vivek Sharma, Advocate for the petitioner.

SNEH PRASHAR, J.

The petitioner is aggrieved of the order dated 16.11.2016 passed by learned Additional District Judge, Fazilka by virtue of which the application filed by him under Order XXXIII Rule 1 of the Code of Civil Procedure for filing the appeal as a pauper was dismissed.

The submissions made by Mr. Vivek Sharma, learned counsel for the petitioner have been considered.

Learned counsel for the petitioner argued that a suit for recovery of a huge amount (Rs.44,44,855/- alongwith interest) was filed by the respondents against the petitioner which was decreed by learned trial Court. The petitioner has already retired from service and is getting only an amount of Rs.1200/- as monthly pension which is not even sufficient for satisfying his bare necessities and for the maintenance of his family members. He does not own any movable or immovable property and

therefore, does not have sufficient financial source to pay the court fees in order to challenge the judgment and decree of recovery passed against him.

There appears to be no force in the arguments of learned counsel for the petitioner. It is mentioned in the impugned order and could not be denied by learned counsel for the petitioner that in the report called by first appellate Court from the Collector with regard to financial status of the petitioner, it was mentioned that he had transferred land comprised in Khatoni No.1056, Khata No.308 as per the Jamabandi for the year 2011-12 in favour of his sons vide Mutation No.28215. The transfer clearly shows that with an intention to wriggle out of the liability arising out of the decree passed in favour of the respondents, the petitioner had transferred the property in his name in favour of his sons. It was also noticed by learned trial Court that the petitioner intentionally did not produce copies of his bank accounts. The petitioner was working as an Inspector with Punjab State Civil Supplies Corporation Ltd. (PUNSUP). He retired from service and it had come in the statement of the witness examined by the respondent that the post retiral benefits in the shape of EPF etc. had been paid to the petitioner.

Thus, it is apparent that the application for being declared pauper was misconceived. Finding no illegality or perversity in the order of learned Additional District Judge and there being no merit in the instant petition, the same is dismissed.

(SNEH PRASHAR)
JUDGE

23.01.2017.
jitender sharma

Whether speaking/ reasoned : **Yes/ No**
Whether Reportable : **Yes/ No**