

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

CR No.8753 of 2015 (O & M)

Date of decision :09.10.2017

Dalbir Singh and others

...Petitioners

Versus

Ram Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

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

ANIL KSHETARPAL, J. (Oral)

CM No.21414-CII of 2017 is for stay of further proceedings.

With the consent of learned counsel hearing of the main case is preponed to today itself. Although, respondent is not present, however, in view of the order being passed, presence of respondent is not found necessary.

Petitioner/defendants have challenged the order passed by the learned Civil Judge (Junior Division), Ambala permitting plaintiff to file the suit as an indigent person. A reading of the order would show that the learned Civil Judge (Junior Division), Ambala had relied upon the report of Collector dated 30.12.2013 intimating the Court that the plaintiff/applicant had no immovable property and he does labour work. On the basis of the report, the application was allowed.

Counsel for the defendants/petitioner has very vehemently argued that notice was not given to the defendants in terms of Order 33 Rule 6 of the Code of Civil Procedure. He submits that it was mandatory for the Court to give notice to the defendants on receipt of the report.

liberty to take this objection in the written statement and pray to the Court for framing of the issue. The trial of the suit cannot be kept in abeyance because of an objection being raised by the defendants.

Counsel for the defendant/petitioner has submitted that the defendant/petitioner has already filed written statement and taken such objection. If that is so, the Court would frame an appropriate issue thereon and decide the same with the main case.

Accordingly, this revision petition is disposed of.

09.10.2017
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/reasoned : Yes
Whether Reportable : No