

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

CR No.4276 of 2016 (O&M)
Date of decision : 26.03.2018

Pardeep Singh and another

...Petitioners

Versus

Kamlesh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL.

Present: Mr. S.S. Dinarpur, Advocate for the petitioners.

Mr. Namit Khurana, Advocate for respondent No.1.

ANIL KSHETARPAL, J.

The defendants-petitioners are in the revision petition against the order passed by the learned trial Court permitting the plaintiffs-respondents to pursue the suit as an indigent person under Order 33 Rule 8 CPC.

In order to ascertain the financial capacity of the plaintiffs on the directions of the Civil Court, the learned Collector submitted a report to the learned trial Court that the plaintiffs have a house but do not own any agricultural land. It has been reported that plaintiff No.2 drives a three-wheeler/Auto Rickshaw and financial condition of the family is weak.

On the basis of the aforesaid report and after hearing the learned counsel for the parties, the learned trial Court permitted the plaintiffs to sue as an indigent person.

This Court has heard the learned counsel for the parties at length and with their able assistance gone through the paper book.

Learned counsel for the petitioners has pointed out that the

respondents-plaintiffs had received a sum of ₹51,312/- as compensation for the land acquired in District Jind and, therefore, they cannot be treated as an indigent person. He has further drawn the attention of the Court to the fact that plaintiff No.2 is recorded as owner of small piece of land in Village Ram Rai and Safidon. However, learned counsel for the petitioners has produced the revenue record for the year 2009-10 whereas the suit was filed in the year 2012.

Learned counsel for the respondents has pointed out that during the pendency of the revision petition, suit has made substantial progress and reached at its final stage. He has pointed out that the plaintiffs have already closed their evidence and the case is fixed for defendant's evidence for the last so many hearings and the defendants have been granted last opportunity.

In view of the fact that the case has made substantial progress and the learned trial Court on the basis of the report of the Collector, has prima facie found that the financial position of the family of the plaintiffs is weak, this Court does not find any good ground to interfere with the order passed by the learned trial Court, at this stage.

Revision petition is dismissed.

All the pending miscellaneous applications, if any, are disposed of, in view of the abovesaid judgment.

26.03.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No