

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

115

CR No.6406 of 2017
Date of decision: 03.04.2018

Sukhjeet Kaur

..... Petitioner

Versus

Barinder Kaur and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Amit Jain, Advocate
for the petitioner.

None for the respondents.

ANIL KSHETARPAL, J. (ORAL)

Plaintiff-petitioner is in the revision petition against the order passed by the learned trial Court dismissing the application for permission to sue as indigent person and directed the plaintiff to affix Court fee.

Plaintiff had filed a suit for recovery of the pecuniary loss on account of death of her son. The learned trial Court called for the report from the Collector and it was reported that the applicant Sukhjeet Kaur does not own any property in her name. However, the learned trial Court still dismissed the application on the ground that the husband of the petitioner is owner of small piece of land.

A reading of the plaint does not show that the suit was filed in a representative capacity. Such being the position, the learned trial Court could only see the availability of the property available with the plaintiff and not in the name of her husband. Even otherwise, the property in the

name of husband is also small and is undivided share in the joint property.

In view of the aforesaid, the order under challenge is set aside.

The application under Order 33, Rule 1, CPC shall stand allowed. Learned trial Court is directed to proceed with the trial of the case.

Revision petition is allowed.

03.04.2018
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No