

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

114

CR No.7764 of 2015
Date of decision: 04.04.2018

Gulzar Singh through LR Manjit Singh

..... Petitioner

Versus

Bhagwant Kaur and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Sunny K. Singla, Advocate
for the petitioner.

Mr. A.K. Garg, Advocate
for respondent No.1.

ANIL KSHETARPAL, J. (ORAL)

Defendant-petitioner is in the revision petition against the order passed by the learned trial Court granting permission to the plaintiff to sue as an indigent person under Order 33 of the Code of Civil Procedure.

Learned trial Court while deciding this question framed issues and allowed the parties to lead evidence. Thereafter, reached on a conclusion that the applicant is an indigent person and can be permitted to sue as such. The trial in the suit has progressed and is at the stage of plaintiff's evidence. Defendant wants the order to be reviewed/revised on the ground that the plaintiff in the cross-examination has admitted that she owns certain property.

In the considered opinion of this Court, such oral evidence in cross-examination cannot be made basis to recall the order passed by the Court permitting the plaintiff to sue as an indigent person. Permission to

sue as an indigent person only has an impact of delay in payment of the Court fee. Once the suit is decided in favour of the plaintiff and the Court fee is found payable, the decree is passed subject to the payment of Court fee.

Such being the position, when the trial has already reached at an advanced stage, this Court does not find any good ground to interfere with the order passed by the Court.

Revision petition is dismissed.

04.04.2018
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No