

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

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**RSA No. 3010 of 2015 (O&M)
Date of Decision : 26.3.2018**

Lakhwinder Singh Bajwa

....Appellant

vs.

United India Insurance Company Limited

....Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Arvind Kashyap, Advocate
for the appellant.

AJAY TEWARI, J. (Oral)

On 22.11.2017 the following order was passed :-

“CM No. 14361-C-2017

This is an application filed under Order 33 Rule 1 CPC seeking permission to sue as an indigent person. The reason given is that the appellant is in judicial custody since 17.02.2016 and is not in a position to pay the Court fee. This is no reason. It is not for this Court to determine the indigency and the jurisdiction lies with the competent authorities to declare a person indigent. There is no material before this Court to hold that appellant is an indigent person. Accordingly, CM stands disposed of.

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Learned counsel for the appellant states that one of the sons of the appellant was also incarcerated in jail but is on bail. He prays for some time to obtain instructions from the son to make good the deficiency of Court fee.

Last opportunity is given to the appellant to affix the appropriate court fee for the entertainment of the appeal. 05.03.2018.”

Court fee has still not been affixed. In the circumstances, the appeal stands dismissed in default.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

**26.3.2018
anuradha**

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No