

In the High Court for the States of Punjab and Haryana
at Chandigarh

CM-2288-C-2015 in/and
RSA No.771 of 2015 (O&M)
Reserved on : 11.5.2018

Date of Decision:- 1.6.2018

Sohan Lal through LRs

.....Applicant/Appellants

Versus

Surinder Pal Soni and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present : Mr. Yowan Sharma, Advocate, for the applicant-appellants.

None for respondent No.1.

Mr. M.K.Chouhan, Advocate, for respondents No.3 to 5.

GURVINDER SINGH GILL, J.

This appeal has been preferred along with an application under Order 44 Rule 1 of CPC seeking permission to file the appeal as indigent person in forma pauprice without affixation of the Court fee.

It is submitted by learned counsel for the applicant-appellants that even before the lower Appellate Court the appeal had been filed as an indigent person and he had been permitted to pursue the appeal without affixation of the Court fee. There is also an averment in the application under Order 44 Rule 1 CPC to the effect that the applicant had filed a similar application before the learned Additional District Judge which was allowed.

I have considered the aforesaid submission.

Upon perusal of the record of the lower Court it is found that though an application had been filed by the applicant-appellants seeking permission to file appeal as indigent person but the same was never allowed by the lower Appellate Court. A mis-representation of this nature can hardly be appreciated and deserves to be deprecated. The aforesaid application deserves dismissal on this short score itself.

Consequently, the application is being dismissed with liberty to the applicant-appellants to make good the Court fee within a period of three months, from today.

The appeal stands disposed of with liberty to the appellants to get the same revived, in case the requisite Court fee is affixed during the aforesaid period of three months.

June 01, 2018

mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No