

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

CR-1888-2019(O&M)

Date of decision:-29.4.2019

Pritam Singh (deceased) through his legal representative Prem Kaur

...Petitioner

Versus

Maninder Kaur and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Vivek Singla, Advocate
for the petitioner.

H.S. MADAAN, J.(ORAL)

Learned counsel for the petitioner has placed on record the interim orders passed by the trial Court. The same be made part of the record.

Heard.

The main grouse of the petitioner is that applicant/plaintiff Maninder Kaur had not presented the application for permission to sue as pauper/indigent person personally as required under law and no exemption from doing so was granted to her by the trial Court, as such the application is not maintainable and is liable to be dismissed. The petitioner had raised an objection in that regard before the trial Court,

which was wrongly rejected by such Court vide the impugned order. In support of his contention, learned counsel for the petitioner has referred to judgment *Pirthipal Singh Versus Smt.Surjit Kaur @ Saranjit Kaur, 1977 PLR 32* by this Court and *Vidhya Chand Versus Smt.Shaimu Devi, 2003 Latest HLJ(H.P.) 30* by Himachal Pradesh High Court.

After hearing learned counsel for the petitioner, going through the record and perusing the authorities referred to by learned counsel for the petitioner, I find that the revision petition is doomed for failure.

A perusal of the interim orders passed by the trial Court placed on file by counsel for the petitioner, reveal that the application had been filed in the Court on 27.2.2015; it was entertained by the Court concerned; notice of the application was given to respondent Pritam Singh, who appeared through counsel in the Court on 15.4.2015 and sought time to file written reply, which was ultimately filed on 6.8.2015; report from the Collector was called and received in the Court on 8.7.2015; issues on merits were framed on 16.9.2015; thereafter, the case was fixed for evidence of the applicant; examination-in-chief of the applicant was recorded in the Court on 2.12.2016 and her cross-examination was deferred; in the meanwhile respondent Pritam Singh had died and his LRs were brought on record vide order dated 12.7.2017; some LRs of respondent appeared through counsel and their service was completed on 29.10.2018; thereafter, the case was again fixed for evidence of the applicant and it remained pending for that purpose till 28.11.2018 when an application for dismissal of the suit was filed by the

respondent, however, learned counsel for the respondent made a statement in the Court on 5.12.2018 that he did not press the application for dismissal of the suit and accordingly the application was disposed of as not pressed; the applicant had closed the evidence and as per request of counsel for the respondent, case was adjourned to 13.12.2018 for evidence of respondent; on that date, no evidence was present, whereas on 17.12.2018 RW1 was present and his examination-in-chief was recorded and cross-examination was deferred to 2.1.2019; the cross-examination of this witness was not conducted on that date and the case was adjourned to 9.1.2019 and on that date, cross examination of RW1 was completed and the case was adjourned to 21.1.2019 for remaining evidence of the respondents; the evidence of the respondents was concluded on 24.1.2019 and the case was fixed for rebuttal evidence, if any, and for arguments for 30.1.2019; that vide order dated 30.1.2019, the application for permission to sue as pauper was allowed and application was registered as civil suit and the case was adjourned to 11.2.2019 for filing of written statement; it was not so done on the adjourned date and ultimately written statement was filed on 28.2.2019 and case was fixed for 5.4.2019.

Thus the present revision petition at this stage, when the application for permission to sue as indigent person has already been decided on merits keeping in view the evidence adduced by the parties and report received from the Collector, is devoid of any merit. As regards the authorities referred to by learned counsel for the petitioner, those do not find application to the present case due to different facts and circumstances and the context in which such observations had been made.

Finding no merit in the civil revision petition, the same stands dismissed.

29.4.2019

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(H.S.MADAAN)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No