

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

**Regular Second Appeal No.1404 of 2009 (O&M)  
Date of Decision: April 05, 2019.**

Dilbagh @ Vipin and another

.....APPELLANT(s).

**VERSUS**

Bhagat Singh and others

.....RESPONDENT(s).

**CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA**

Present: Mr. Brijender Kaushik, Advocate  
for the appellant (s).

Mr. R.K. Gupta, Advocate  
for the respondents.

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**SURINDER GUPTA, J.**

In appeal filed by the appellants before the first Appellate Court, the appellants were directed to pay the court fee vide order dated 28.04.2008. They were allowed two adjournments to pay the court fee and thereafter, they came up with application for permission to sue as indigent person. Learned First Appellate Court declined his application and dismissed the appeal.

The short contention put forth by learned counsel for the appellants is that after the dismissal of the application seeking permission to sue as indigent person, the appellants should have been allowed appropriate time to pay the court fee.

Learned counsel for respondents argues that he has no

objection if the time is allowed to the appellants to pay the court fee, however, the permission to proceed further be allowed if they pay the court fee as per order of the first Appellate Court.

As the only issue put forth is the dismissal of appeal without allowing the opportunity to the appellants to pay court fee as per order dated 28.04.2008 passed by the first Appellate Court, this appeal is accepted. The appellants are allowed time of 30 days from today to pay the court fee. On the payment of court fee, their appeal shall be taken on board by the first Appellate Court and decided on merits in accordance with law.

Parties are directed to appear before the first Appellate Court/Successor Court on 23.04.2019 on which date, the file of the appeal be taken on board and shall be proceeded further as ordered above.

**April 05, 2019.**  
*Sachin M.*

**( SURINDER GUPTA )**  
**JUDGE**

***Whether speaking/reasoned:*** ***Yes/No***

***Whether Reportable:*** ***Yes/No***