

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

CR No. 5657 of 2019

Date of Decision: 11.09.2019

Gopal Dass

... Petitioner

Versus

Roshni Devi and others

... Respondents

CORAM : Hon'ble Mr. Justice Sudip Ahluwalia

Present : Mr. Gaurav Jain, Advocate
for the petitioner.

SUDIP AHLUWALIA, J.(Oral)

This revision is directed against the impugned order passed by the learned Civil Judge, Junior Division, Tohana on 22.07.2019.

Vide the impugned order, learned Court below had permitted the respondents/plaintiffs to file the suit in *forma pauperis* after being satisfied that they did not have sufficient means to pay the ad valorem Court fee on the relief sought for by them.

It transpires that earlier on 06.11.2017, the learned Court below had posted the application qua indigency of plaintiffs filed on behalf of the respondents for hearing.

The petitioner, who is defendant No.1, in the suit had apparently not filed any formal reply to the application. His contention, however, is that the plaintiffs happen to be the mother and father of the deceased Ramesh Kumar, who had died in harness as a regular employee in the office of SDO OP, Division DHBVN, Tohana and that his family is entitled to his entire salary. The widow and minor children of the

deceased Ramesh Kumar were arraigned as proforma respondent Nos. 5 to 7 in the suit. There is nothing on record to show that any part of the service benefits or even salary or other have at any time been granted in favour of the plaintiffs, who in any case are parents of the deceased and therefore, not his dependents in the same manner such as the proforma respondents.

The learned Court below relied on the report of the Collector in which it was mentioned that the respondents have no movable or immovable property in their name except their own dwelling house, or any property which is otherwise not attachable under Section 60 CPC.

This Court finds no reason to interfere with the impugned order passed by learned Court below by particularly considering that none of the contentions now being raised on behalf of the defendants before this Court was ever brought to the notice of the Court below.

No merits.

Dismissed.

(SUDIP AHLUWALIA)
JUDGE

September 11, 2019

P.Sharma

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No