

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.6538 of 2018 (O&M)
Date of Order: 25.02.2020

Amrita Mann and another

..Petitioners

Versus

Mahipal Singh Mann

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rakesh Gupta, Advocate,
for the petitioners.

Mr. Navneet Jindal, Advocate,
for the respondent.

ANIL KSHETARPAL, J(Oral)

The revision petition has been filed under Article 227 of the Constitution of India praying for setting aside the order dated 17.08.2018 passed by the learned Civil Judge (Junior Division), Patiala, refusing to grant permission to sue as an indigent person.

Learned counsel for the petitioners submitted that, in fact, there is no suit filed and only an application/petition under Section 18 and 20 of the Hindu Adoption and Maintenance Act was filed. He, hence submitted that no court fee is payable.

On the other hand, learned counsel for the respondent-defendant has contested the stand of the petitioner and submitted that the suit has been filed and not the petition.

Be that as it may. It is not in dispute that the petitioners did not draw attention of the trial court on this aspect of the matter depriving this court to examine its correctness.

Learned counsel for the petitioners in support of his submission relies upon a judgment passed in *Ajmer Singh Sindhu vs. Madhur Sidhu, 2010(5) R.C.R.(Civil) 312.*

Keeping in view the facts of the case, the petitioners, who are praying for grant of decree for maintenance under Hindu Adoption and Maintenance Act, are granted an opportunity to file an application before the trial court which shall be decided by the court expeditiously. The objections of the respondent-defendant that the plaintiffs had filed a suit and not the petition, is kept open.

Disposed of accordingly.

February 25, 2020
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No