

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

FAO No.1194 of 2021 (O&M)  
Date of decision: 22.09.2021

Bhagwan Kaur

...Appellant

Vs.

Gurdev Singh

...Respondent

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI  
HON'BLE MRS. JUSTICE ARCHANA PURI**

Present: Mr. Alok Mittal, Advocate,  
for the appellant.

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Ritu Bahri, J. (oral)

The present appeal has been filed against the order dated 07.09.2021 passed by the Principal Judge, Family Court, Mansa, whereby application filed by the appellant (Bhagwan Kaur) under Order 39 Rules 1 and 2 read with Section 151 CPC, has been dismissed .

The appellant approached the Court to sue the defendant as forma paupris, stating that she does not have any movable or immovable property in her name and she is unable to maintain herself.

Learned counsel for the appellant has referred to the order dated 21.01.2020 (Annexure A-10), whereby application filed by the appellant under Section 12 of the Protection of Life and Property under Maintenance and Welfare of Parents and Senior Citizens Act, 2012, has been allowed. Out of land measuring 484 Square yards, 234 Square yards was in the name of Bhagwan Kaur (present appellant) and a direction have been given to the Tehsildar to demarcate and give possession of this land to

the appellant. He has further argued that the appellant is living in a helpless condition at the mercy of her younger son and only because of the order dated 21.01.2020 (Annexure A-10), she has been given possession of land measuring 234 Square yards. Her husband (respondent herein) was in unauthorized occupation of the plot and is not maintaining her till date. The appellant is in need of money to bear the expenses.

A perusal of the impugned order dated 07.09.2021 shows that the Family Court, Mansa, has observed that as per the jamabandi relating to village Patti Mehna, Bhagwan Kaur-appellant has been shown to be owner of 6 Kanals 6 Marlas of land. The husband (respondent) had also placed on record copy of the sale deed, vide which, the said property had been purchased by the appellant from one Chamkaur Singh for a sale consideration of Rs.4,91,400/-. It has further been observed that the plaintiff-appellant has a bank account in her name, as per which transactions of lakhs of rupees had been done. This fact had not been brought to the notice of the Court while making the application. Further, in the Aadhar card, address of the plaintiff-appellant has been shown as 'H.No.598, Sector-6, Panchkula, Haryana, whereas in the application (Annexure A-1), she is shown to be the resident of Rarh, Tehsil and District Mansa. While dismissing the application under Order 39 Rules 1 and 2 CPC, the Family Court has further observed that the plaintiff-appellant had given a wrong address intentionally in order to seek the relief of temporary injunction. She has also concealed the fact that she has immovable property in her name. She is residing with her son namely Sh. M.S. Mann, a retired IPS officer at Panchkula.

A perusal of the impugned order as well as order dated

21.01.2020 (Annexure A-10) shows that land measuring 234 Square yards is in the name of appellant, which is located at Gali No.12, Bhai Mati Das Nagar, Bathinda. This order has been placed on record by the appellant herself. It is not the case of appellant that the Family Court, Mansa has given a wrong finding with respect to the bank account of appellant, her correct address as per Aadhar card and ownership of 6 Kanals 6 Marlas of land.

In view of the above discussion, no case is made out to interfere in the impugned order.

No merits. Dismissed.

(RITU BAHRI)  
JUDGE

(ARCHANA PURI)  
JUDGE

22.09.2021  
ajp

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