

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

**CR-4953-2018 (O&M)**

Date of decision: 29.08.2022

Jasmail Kaur

...Petitioner

Versus

Jagsir Singh and others

..Respondents

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present:     None for the petitioner

Mr. M.K.Dhot, Advocate for respondent no.1 to 3

**ANIL KSHETARPAL, J (Oral)**

The petitioner herein is a plaintiff in a suit filed for grant of damages. She claims that her son has been murdered by the defendants. While filing the suit, she filed an application under Order XXXIII Rule 1 of the Code of Civil Procedure, 1908, for permission to sue as an indigent person. The court, after framing the issues, held that her son is a co-sharer in an undivided land. Thus, the court dismissed the application. While deciding such an application, the approach of the court should be pragmatic. The court is expected to take a holistic view of the matter. In the present case, the court should have directed the Collector to submit a report regarding her financial resources and thereafter, decided the matter. However, the court framed issues and dismissed the application without appreciating the facts of the case. Even if it is assumed that on the death of her son late Sh. Gulab Singh, she has inherited some share, the court was required to consider whether such a small piece of land is giving any return or not?

Keeping in view the aforesaid facts, the order dated

05.05.2018, which is under challenge, is set aside. Let the trial court pass a fresh order, after calling for report from the Collector.

Disposed of.

All the pending miscellaneous applications, if any, are also disposed of.

29.08.2022

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

**(ANIL KSHETARPAL)**  
**JUDGE**