

114

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

**CRM-M-55329-2019**

**Date of Decision: May 18, 2022**

Kulwant Kaur

.....Petitioner

Versus

State of Punjab and another

.....Respondents

**CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ**

Present: Ms.Sunayana Gupta, Advocate  
for the petitioner.

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**RAJESH BHARDWAJ, J.(ORAL)**

The petitioner has approached this Court impugning the order dated 02.12.2019 vide which the revision petition filed by the petitioner was dismissed without hearing the same on merits for the reason the petitioner did not pay the costs of Rs.500/- in the Legal Aid Fund.

Counsel for the petitioner submits that inadvertently counsel for the petitioner failed to deposit the costs of Rs.500/- as directed by the Court and hence the petitioner suffered an irreparable loss as the revision filed by her was dismissed without being heard on merits. She submitted that the petitioner is a house-hold lady and was not aware of the legal procedure and the same was not brought to her notice and hence she was ignorant about the status of the case. The revision was filed and dismissed. She submits that in case the impugned order is not set aside, the petitioner would suffer an irreparable loss and injury and hence, in the interest of justice, she may be granted one opportunity to pursue the revision already

filed on merit.

Notice of motion.

On the asking of the Court, Mr.Rakeshinder Singh Sidhu, AAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

Heard.

Learned State counsel has submitted that the main case is fixed for evidence and out of 11 witnesses, 01 witness has been examined so far.

It is apparent that the petitioner was summoned by learned JMIC, Jalandhar, vide its order dated 23.04.2019, under Section 319 Cr.P.C. to face trial in case FIR No.146, dated 03.11.2016, under Sections 406/498-A IPC, registered at Police Station Women Cell, Jalandhar. The petitioner preferred a revision impugning the order dated 23.04.2019, however, the same was declined only on account of non-payment of the costs of Rs.500/-,

This Court finds it appropriate that the petitioner deserves to be granted an opportunity to get the revision petition filed by her decided on merits on payment of Rs.5000/- as costs, to be deposited in the Legal Aid Fund. Ordered accordingly.

Learned Revisional Court would ensure that the petitioner pays the costs of Rs.5,000/- in the Legal Aid Fund and on payment of the same, the revision petition would be revived and decided on merits in accordance with law.

Impugned order dated 02.12.2019 is set aside.

May 18, 2022

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( RAJESH BHARDWAJ )

JUDGE

1. Whether speaking/reasoned ?

Yes/No

2. Whether reportable ?

Yes/No