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

CR-3883-2023(O&M)
Date of decision:-13.7.2023

Jaswinder Singh

...Petitioner

Versus

Gurmeet Kaur and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.A.P. Kaushal, Advocate
for the petitioner.

H.S. MADAAN, J.

1. Under challenge in this revision petition is the order dated 19.4.2023 passed by the trial Court of Civil Judge (Sr.Divn.), Faridkot vide which he had allowed applicants/plaintiffs Gurmeet Kaur and others to file suit for recovery of damages as indigent persons without affixation of the ad valorem Court fee. The revision petitioner before this Court is respondent/defendant in the said suit for compensation on account of death of Jaskaran Singh, husband of Gurmeet Kaur filed by Gurmeet Kaur and others as indigent persons.

2. As per the case of the applicants, they were not possessed

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sufficient means to affix the requisite Court fee on the plaint, whereas this fact was vehemently contested by the respondent. The trial Court framed issues on merits and allowed the parties to lead evidence. Report from the Collector was called, in terms of which the applicants did not possess any immovable property.

3. After hearing arguments, by analysing the evidence available on the record, the trial Court vide the impugned order granted permission to the applicants to sue as indigent persons and application was ordered to be registered as a suit.

4. Such order left the respondent aggrieved and he has approached this Court by way of filing the present revision petition.

5. I have heard learned counsel for the petitioner besides going through the record and I find that there is absolutely no merit in the revision petition.

6. The impugned order passed by the trial Court is quite detailed and well reasoned and it does not suffer from any illegality or infirmity and is not having any element of arbitrariness or perversity. The revisional jurisdiction of this Court is quite limited and considering the facts and circumstances of the case, there is no reason to interfere with the impugned order by way of exercising the revisional jurisdiction.

7. Even otherwise, ad valorem Court fee is a matter between the applicants and the State and if at any stage, it is found that applicants are having sufficient means to affix the Court fee, then the Court may direct them to do so or ultimately while finally deciding the suit. The respondent

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would not be prejudiced in any manner.

8. Finding no merit in the revision petition, the same stands dismissed.

 Since the main revision petition has been dismissed, the miscellaneous application(s), if any, stand disposed of accordingly.

13.7.2023
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No