

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

121

CR No.3141 of 2018 (O&M)

Date of Order:09.04.2024

Hans Raj

.Petitioner

Versus

Subhash Chander and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. P.K.Ganga, Advocate,
for the petitioner.

Mr. Satbir Gill, Advocate,
for respondent no.1.

Mr. Sanjiv Gupta, Advocate,
for respondent nos. 3 and 4.

ANIL KSHETARPAL, J

1. The appellant's first appeal is pending before the First Appellate Court. His application for permission to file the appeal as indigent person has been dismissed by the First Appellate Court on the ground that the petitioner's wife is owner of house and some other property.

2. The First Appellate Court has erred in taking into account the property of the petitioner's wife.

3. As per Order 33 of the Code of Civil Procedure, 1908, the court is required to examine as to whether a person who prays for suing as pauper is possessed of sufficient means to enable him to pay the fee prescribed by law or not?

4. In view of the aforesaid facts, the impugned order is set aside. The application filed by the petitioner shall stands allowed. The First Appellate Court is directed to decide the appeal on merits.

5. The revision petition is allowed.

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

April 09, 2024
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :YES/NO
Whether reportable :YES/NO