



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Civil Revision No. 3711 of 2024 (O&M)
Date of Decision: 08.07.2024

Varinder Kumar
..... Petitioner

Versus

Maya Bai
..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Ms. Dhivya Jerath, Advocate
for the petitioner-defendant/appellant.

HARKESH MANUJA, J. (ORAL)

The petitioner-defendant, by way of present revision petition filed under Article 227 of the Constitution of India, seeks issuance of directions to learned District Judge, Fazilka (**hereinafter to be called as “First Appellate Court”**), for expediting the proceedings in the application dated 04.07.2022 (**Annexure P-2**), filed by him, seeking permission to sue as an indigent person in *Civil Appeal No. 111 of 2022*, titled “**Varinder Kumar Versus Maya Bai**”.

[2] Briefly stating, the suit, filed at the instance of respondent-plaintiff, was decreed vide judgment and decree dated 30.05.2022 (**Annexure P-1**) passed by learned Additional Civil Judge (Senior Division), Jalalabad (West) (**hereinafter to be referred as “trial Court”**). Aggrieved thereof, the petitioner filed an appeal alongwith an application dated 04.07.2022 (**Annexure P-2**) seeking permission to sue as an indigent person.

The said application (P-2) was dismissed vide order dated 23.09.2022

(Annexure P-3) passed by the First Appellate Court, while observing that the petitioner is owner of land measuring 04 Marlas 04 Sarsai situated in Village Sultanpur, Fazilka.

[3] Dissatisfied with the order dated 23.09.2022 (supra) passed by the First Appellate Court, the petitioner preferred ***Civil Revision No. 5632 of 2022***, titled ***“Varinder Kumar Versus Maya Bai”***, which came to be allowed vide order dated 14.12.2022 (Annexure P-4) passed by this Court, while remanding back the matter and directed the First Appellate Court to consider the application dated 04.07.2022 (P-2), moved by the petitioner, afresh in light of the fact that the land measuring 04 Marlas 04 Sarsai, which was recorded as the ownership of petitioner, was the subject matter of another judgment and decree dated 08.11.2021 passed against the petitioner in a civil suit titled ***“Sudesh Kumar Versus Varinder Singh”***.

[4] Learned counsel for the petitioner, *inter alia*, submits that inspite of the remand order dated 14.12.2022 (P-4) passed by this Court, his application dated 04.07.2022 (P-2), seeking permission to sue as an indigent person in Civil Appeal No. 111 of 2022 (supra) is still pending, thus, the limited prayer in the present petition is for decision of the said application expeditiously.

[5] I have heard learned counsel for the petitioner and considered the submissions made on behalf of the petitioner.

[6] In the present case, the matter was remitted back to the First Appellate Court vide order dated 14.12.2022 and thereafter, the First Appellate Court framed the issue vide order dated 20.04.2023 pertaining to the petitioner being an indigent person, which is still pending as of now and

the case is now fixed for 12.08.2024 before the First Appellate Court. Hence, without commenting upon the merits of the controversy and keeping in view the limited prayer made in the present revision petition, the same is **disposed off** with a direction to First Appellate Court, i.e. District Judge, Fazilka, to expedite the hearing of application 04.07.2022 (supra) and decide the same, preferably within a period of two months thereafter.

July 08, 2024
'dk kamra'

(HARKESH MANUJA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No