

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(298)

CRM-M-56126-2023 (O&M)
Date of decision:- 05.02.2024.

Om Parkash

...Petitioner

Versus

State of Haryana and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : None for the petitioner.

Mr. Sanjeev Kumar, Addl. A.G., Haryana.

Mr. Ashok Verma, Advocate for respondent No.2.

PANKAJ JAIN, J. (Oral)

1. On 14.11.2023, following order was passed:-

Inter alia relies upon order dated 28.08.2023 passed by District Judge, Sirsa, whereby the petitioner has been declared to be an indigent person and has been allowed to file appeal without Court fee. The order reads as under-

An application for filing the present appeal as an indigent person had been filed. Statement of the applicant Om Parkash had been recorded, wherein he submitted that he had no movable or immovable property from which he can file the court fees. He was working as mason. He has not bought or sold any movable or immovable property in the last six months. He, therefore, prayed for allowing him to file the present appeal without affixing court fees.

In pursuance of the application, report of the Collector with regard to the assets of the applicant were obtained. Vide report dated 11.04.2023, filed by Tehsildar. it was reported that the applicant had no movable or immovable property in his name and his financial condition

was very poor. In view of the report and the statement of the applicant, the applicant is allowed to file the present appeal without affixing the court fees. If, appeal is allowed, the court fees shall be realised from the respondent and submitted with the State exchequer. Application disposed of Now, notice of the appeal as well as application for condonation of delay, be issued to the respondents for 16.10.2023."

Relying upon the aforesaid order the counsel for the petitioner submits that it is one of those cases where this Court should interfere and keeping in view the hardship being faced by the petitioner. allow him to contest the appeal without insisting upon compliance of Section 148 of the Negotiable Instruments Act, 1881.

Notice of motion.

On asking of the Court, Mr. Gaurav Bansal, D.A.G., Haryana appears and accepts notice on behalf of respondent No.1/State. Adjourned to 05.02.2024.

In the meantime, the direction as contained in impugned order (Annexure P-1) directing the petitioner to deposit 20% of the compensation amount shall remain stayed.

2. Mr. Ashok Verma, Advocate appeared and entered in appearance on behalf of respondent No.2 and submits that he has no objection in case the impugned orders are set aside subject to the Appellate Court being directed to dispose off the appeal within a stipulated period of time.

3. Finding it to be a fair request, the present petition is allowed.

4. Impugned orders are hereby ordered to be quashed. The Appellate Court is directed to decide the appeal i.e. CRA-143-2023 titled as "*Om Parkash Vs. Virender Kumar*" within a period of four weeks from the date of receipt of certified copy of this order.

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3.

- 5. Disposed off accordingly.
- 6. Pending applications, if any, shall stand disposed off.

(PANKAJ JAIN)
JUDGE

5th February, 2024
spn

Whether speaking/reasoned : Yes
Whether Reportable : No