



\$~11

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CMI 12/2023 & CM APPL. 15174-15177/2023**
TRILOK CHAND SHARMAPetitioner
Through: Mr. Ashim Shridhar, Advocate
(through VC).
versus

SURESH KUMAR & ANR.Respondents
Through: Mr. Ashok Kaushik, Advocate
(through VC).

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER
% **14.08.2024**

CM APPL. 15173/2023 (Exemption)

Exemption allowed, subject to all just exceptions.

CMI 12/2023

1. The appellant is aggrieved by the dismissal of his suit and while filing a regular first appeal, it has also been prayed that he may be permitted to file the present appeal as an indigent person and, accordingly, an application has been moved under Order XLIV Rule 1 CPC seeking leave thereto.
2. I have seen the observations appearing in order dated 1st November, 2023 passed by the learned Registrar. The statement of the applicant was also recorded by the learned Registrar on 27th September, 2023 and a specific report was also sought from the concerned SDM which indicated that the applicant was getting Rs. 2,500/- per month as ex-gratia pension and that he had no other source of income or had no other movable or immovable property in his name.

CMI 12/2023

1



3. The court has also seen the report received under the signatures of Tehsildar, Rajouri Garden.
 4. Applicant has categorically deposed that he does not have any movable or immovable property in his name except the suit property, which is stated to be under unauthorized occupation of the respondent. The balance in his saving bank account is also very insignificant.
 5. Learned counsel for respondent has also joined the proceedings through Video Conferencing and states that he does not have any objection in this regard and does not challenge the alleged financial position of the appellant/applicant.
 6. Viewed thus, the permission to sue as an indigent person is granted.
 7. The application stands disposed of in aforesaid terms.
- RFA No /2024 (to be registered) & CM APPL. 15174-15177/2023**
8. Learned counsel for respondent seeks to submit his vakalatnama, he is at liberty to do the same.
 9. Be placed before the learned Roster Bench on 4th September, 2024.

MANOJ JAIN, J

AUGUST 14, 2024/ss