



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

324

CR-902-2025 (O&M)

Date of Decision : 22.05.2025

PARDEEP KUMAR MEHTA

.... Petitioner

VERSUS

KAMLESH CHANDER MAHAJAN AND ANR

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Raja Sharma, Advocate for the petitioner.

None for the respondents despite service.

ALKA SARIN, J. (ORAL)

1. The present revision petition has been filed under Article 227 of the Constitution of India challenging the order dated 08.10.2024 (Annexure P-1) passed by the learned Additional District Judge, Rupnagar whereby, while staying the operation of the impugned judgment and decree dated 31.05.2022, the petitioner herein has been directed to furnish security to the tune of the decretal amount along with interest within a period of one month.

2. Learned counsel for the petitioner would contend that the petitioner had filed the appeal as an indigent person and on 11.07.2022 the following order was passed :

'Learned counsel for the appellant stated that he has been engaged as counsel in the present appeal by the DLSA, Rupnagar. He has made an application seeking issuance of direction to DLSA, Rupnagar, for depositing

the Court fee as the appellant is an indigent person. In view of it, DLSA, Rupnagar is directed to affix necessary Court fee on or before 09.08.2022. Now appeal is adjourned to 09.08.2022 for affixing the Court fee and for consideration on the stay application'.

Learned counsel would further contend that even the Court fee was affixed by DLSA, Rupnagar and therefore the petitioner would not be in a position to furnish the security as directed.

3. None has put in appearance on behalf of the respondents despite service.

4. Heard.

5. The petitioner, in the present case, has filed the appeal as an indigent person and vide order dated 11.07.2022 the First Appellate Authority had directed the DLSA, Rupnagar to affix the necessary Court fee which order was duly complied with. Since the petitioner had sued as an indigent person and was not even in a position to pay the Court fee, the condition of furnishing security to the tune of decretal amount along with interest cannot be sustained.

6. In view of the above, the present revision petition is allowed, and the impugned order is set aside to the extent whereby the petitioner has been directed to furnish security to the tune of the decretal amount along with interest. The First Appellate Court is requested to decide the appeal expeditiously and not to grant any unnecessary adjournment to either of the parties.

7. Pending applications, if any, also stand disposed off.

22.05.2025
Aman Jain

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No