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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CMI 5/2024 & CM APPL. 8105/2024**
NIRMAL KUMAR JAIN

.....Petitioner

Through: Mr. Karan Luthra, Mr. Yogesh Malik,
Advocates along with petitioner in
person.

versus

BSES RAJDHANI POWER LTD

.....Respondent

Through: Mr. Sharique Hussain, Advocate.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

% **29.05.2025**

**CMI 5/2024 & CM APPL. 12417/2024 (seeking permission to file appeal
as an indigent person)**

1. Appellant herein had filed one suit before the learned Trial Court. Before the learned Trial Court, the appellant/plaintiff had also sought permission to sue as an indigent person and his such request made under Order XXXIII Rule 1 CPC was allowed by the learned Trial Court.
2. Fact, however, remains that the learned Trial Court rejected the suit under Order VII Rule 11(d) CPC.
3. Feeling aggrieved, the petitioner has filed a *Regular First Appeal* under Section 96 CPC.
4. He moved the abovesaid application seeking permission to file the present appeal as an *indigent person*.
5. The inquiry has been conducted by the learned Registrar and as per the

CMI 5/2024

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observation appearing in order dated 13.02.2025, it is specifically noted that there is no change in his circumstances and, on the basis of the report filed by the concerned SDM and also on account of no objection accorded by the learned counsel for respondent, the learned Registrar seems to be of the view that the appellant is an *indigent person*.

6. During course of the consideration today also, no such fact has been brought on record by the respondent which may indicate that such permission cannot be granted to the appellant.

7. The report of SDM is also quite specific. It also cannot be disregarded that even before the learned Trial Court, the petitioner was given permission to sue as *indigent person*.

8. Resultantly, the abovesaid application is allowed and the permission is granted to file the abovesaid appeal as an *indigent person*.

RFA No. _____/2025

9. The appeal in question may, accordingly, be given appropriate number and after a number is assigned, the appeal i.e. *Regular First Appeal* be placed before the learned Roster Bench, dealing with RFA, on 14.07.2025.

MANOJ JAIN, J

MAY 29, 2025/ss/SS