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CS 642/25

GURDEEP KAUR Vs. PINKY KALRA

17.01.2026

Present : Sh. Rakesh Sharma ,Ld. Counsel for the plaintiff.
Sh. Vishnu Kant Pandey, Ld. Counsel for the
defendant alongwith defendant.

Matter is fixed for arguments / disposal of
application under Order XXXIII Rule 1 and 2 of CPC.

Fresh vakalatnama is filed on behalf of the plaintiff.
Same is taken on record.

Arguments heard on aforesaid application.

It is stated on behalf of applicant / plaintiff that applicant / plaintiff is a senior citizen of 72 years of age and is suffering from medical problems like BP, sugar and other old age diseases; that applicant / plaintiff has no source of income for her living and completely dependent upon her daughters for her day to day daily necessary expenses. It is prayed that present application may be allowed and applicant / plaintiff may be permitted to sue the defendant as an indigent person and may be exempted from paying court fees as per law.

Defendant has opposed the present application by filing reply to the same.

Submission heard and record perused.

In the present matter, in order to conduct necessary inquiry, Court called a report from the concerned SDM regarding the indigent/ financial status of the applicant / plaintiff. A report from Tehsildar (Hauz Khas) was filed on court record on 20.12.2025. As per the said report, presently the plaintiff resides with her daughter Ms. Harvinder Kaur and plaintiff does not own any house or land, vehicle or jewellery; plaintiff has never been employed and does not receive any pension and she has only FDR of Rs. 2.5 lakh.

In view of report of the Tehsildar, there is nothing that suggests that the applicant / plaintiff has sufficient means to pay the court fees in the matter. The Hon'ble High Court of Delhi in case *Suneal Mangal Vs. Prime Maxi Mall Management & Anr.* 196 (2013) DLT 2344) held that the plaintiff/ applicant need not be a pauper to sue as an indigent person and the plaintiff and her family are entitled to lead a dignified life, considering family and social background.

In view of the material on record, submissions of both the parties, considering the report of Tehsildar regarding the financial status of the applicant / plaintiff, ruling in the aforesaid judgment of Hon'ble High Court of Delhi, and interest of justice, the Court is convinced that the applicant / plaintiff is not possessed of sufficient means to pay the requisite court fees.

Therefore, **applications under Order XXXIII Rule 1 and 2 CPC stands allowed** and the applicant/ plaintiff is

permitted to sue defendant as an indigent persons and is exempted from filing the court fees in the present matter at this stage.

It is made clear that the plaintiff shall make/ pay court fees as per provisions contained under Order XXXIII Rules 10 & 11 CPC at the time of disposal of the present case.

The summons of the suit upon have already been served on the defendant. Let Written Statement be filed within stipulated time with advance copy to opposite party.

At this stage, Ld. Counsel for both the parties submit that there is possibility of settlement between the parties and request that matter may be referred to Delhi Mediation Centre, KKD Courts.

Accordingly, at joint request, matter is referred to Delhi Mediation Centre, KKD Courts, Delhi for **24.01.2026 at 2:00 PM.**

Put up for recording of settlement, if any/ filing of written statement on behalf of defendant, on **07.03.2026.**

(SOMITRA KUMAR)
DJ-06, EAST/ KKD COURTS
DELHI/17.01.2026 ^(R)