

**IN THE COURT OF SH. MANDEEP SINGH KAINTH,
CIVIL JUDGE (SR.DIVN.), KHARAR.**

CNR No.PBSAA00003742019.

INDIG-9-2019.

Decided on:-02.05.2026.

1. **Harmeet Kaur w/o Manga Singh,**
2. **Ramanpreet Kaur d/o Manga Singh,**
All residents of House no.372/A, near Sekhon Poultry Farm,
Ward no.9, Kurali, Tehsil Kharar, District S.A.S. Nagar
(Mohali),

...Applicants/plaintiffs

Versus

1. **Tony Pushpinder Sharma son of Beni Prasad,**
2. **Parminder Kaur wife of Tony Pushpinder Sharma son of**
Beni Prasad,
Both residents of village Chanalon, Tehsil Kharar, District
S.A.S. Nagar, Mohali.

...Respondents/defendants.

3. **Harpreet Kaur daughter of Manga Singh, wife of Gurpreet**
Singh son of Bhaja Singh Mistri, resident of village Chaunta
Bhaini, VPO Jhallian, Tehsil and District Rupnagar,
4. **Charan Kaur wife of Ajit Singh, resident of near Baran**
Mandir (Behind Guga Mari), Ward no.6, Model Town, Ropar
Road, Kurali, Tehsil Kharar, District Mohali.

...Proforma Defendants.

**Application for permission to file the suit as an
indigent person**

Present: Sh. Tarsem Singh, Adv. Id. counsel for applicant/plaintiff.
Sh. Harish Chander Rathore, Adv. Counsel for respondent/
defendant.

ORDER

This order of mine shall dispose of application for permission to file the suit as an indigent person as fully mentioned in the plaint.

2. It is submitted by the Ld. Counsel for applicants-plaintiffs submitted that the applicants-plaintiffs are indigent person and are not in possession of sufficient means other than property exempt from attachment and subject matter in suit which makes them unable to pay the court fees as prescribed by law. The only movable properties with the plaintiffs have already been mentioned in the list. It is further submitted that the plaintiffs are the poor ladies who are unable to maintain themselves on their own and can not save anything for affixing court fee and therefore court fee stamp of Rs.10 is attached. Hence, the present application.

3. Upon notice, defendant/respondent filed written statement wherein it is submitted that the plaintiffs are not indigent persons and were having sufficient source of income. Lastly, it is prayed that the application may kindly be dismissed in the interest of justice.

4. Replication was filed wherein averments of the written statement were denied and that of the application was asserted to be correct.

5. From the versions of the parties the following issues were framed on 15.02.2020:-

1. Whether the applicants are entitled to sue as indigent persons from grant of maintenance allowance as prayed for? OPA
2. Whether the present application is not maintainable? OPR
3. Whether the applicants have no locus stand to file the present application? OPR
4. Whether the applicants have concealed the material facts from the Court? OPR
5. Relief.

6. Thereafter the applicant/plaintiff examined themselves as AW-1 and AW-2 who has tendered their duly sworn affidavit into evidence Ex.AW1/A and AW2/A and proved on file document i.e. list of property as Ex.A1. Thereafter, Ld. Counsel for plaintiff has closed evidence on behalf of the applicant.

7. On the other side, respondent did not examine, any witness. Thereafter, vide separate statement recorded before this court on 06.11.2025 Ld. Counsel for respondent has closed the evidence on behalf of the respondent.

8. I have heard the respective submissions from both the sides and have gone through the documents. My issue wise findings are as under:-

Issue No.1

9. Onus of proving said issue was on the applicant/plaintiff. In order to prove the said issue, the applicants have themselves stepped into the witness box and deposed to the effect that they are indigent persons and are not in possession of sufficient means other than property exempt from attachment and subject matter in suit which makes them unable to pay the court fees as prescribed by law. The only movable properties with

the plaintiffs have already been mentioned in the list and they are the poor ladies who are unable to maintain themselves on their own and can not save anything for affixing court fee.

10. The report received from the Collector is very specific that at the place where applicants are residing they have no immovable property. The deposition of the applicants to the effect that they are not in possession of sufficient means other than property exempt from attachment and subject matter in suit which makes them unable to pay the court fees as prescribed by law. The defendants have not been able to lead any positive evidence to show that they have sufficient means to pay Court fee. In view of the aforesaid discussion, this issue is decided in favour of the applicant and she is declared an indigent.

Issue no.2 to 4.

11. The next question for determination is “*Whether the present application is not maintainable*”, “*Whether the applicants have no locus standi to file the present suit*”, and “*Whether the applicants have concealed the material facts from the court*”. The onus to prove these issues were on the defendants, but no evidence in this regard was led by the defendants. Accordingly, these issues are decided against the respondents and in favour of the applicant.

(RELIEF)

12. In view of my findings on the above issues, the applicants are declared as an indigent persons and is allowed to file the suit without affixation of Court fee. Ahlmad is directed to register this application as a suit in the relevant register. It is further made clear that if during the

course of the proceedings the evidence comes on record that applicants are able to pay Court fee they will no longer be treated as indigent and will be liable to pay the said Court fee. The application in hand is hereby allowed.

Pronounced in Open Court.
Dated:02.05.2026.

(Mandeep Singh Kainth)
Civil Judge (Jr. Divn.)
UID no.PB00491.
Kharar.

Kulwinder Singh.