



**HIGH COURT OF JUDICATURE FOR RAJASTHAN  
BENCH AT JAIPUR**

S.B. Civil Miscellaneous Appeal No. 3881/2024

Dr. Gurdeep Singh S/o Shri Gyan Singh, Resident Of 3/147, Hanumangarh, Tehsil And District Hanumangarh (Raj.) Presently Resident Of 1A-33, Shiv Shakti Colony, Shastri Nagar, Jaipur (Raj.)

----Appellant

Versus

1. State Of Rajasthan, Through Chief Secretary, Government Secretariat, Bhagwandas Road, Near Statue Circle, Jaipur (Raj.)
2. Dr. H.L. Arora, Retire/the Than Principal S.p. Medical College, Bikaner (Raj.) At Present Resident Of B-110, Saraswati Marg, Bajaj Nagar, Jaipur (Raj.)
3. Dr. A.A. Sulemani, Retired / The Than Professor (Medicine) S.p. Medical College, Bikaner, Rajasthan At Present Resident Of Aziz Ahmed Clinic, Jai Narayan Vyas Colony, Bikaner (Raj.)
4. Dr. N.S. Purohit, Retired/the Than Professor (Medicine) S.p. Medical College, Bikaner Rajasthan, At Present A-211, Gyan Marg, Tilak Nagar, Jaipur (Raj.) (Deceased).
5. Dr. M.M. Bagdi, Retired / The Than Professor (Surgery) S.p. Medical Collage Bikaner At Present Resident Of F-2, Karni Nagar, Pawanpuri, Bikaner (Raj.)
6. O.P. Saini, Retired / The Than Registrar, Rajasthan University, Jaipur At Present Resident Of 50 Rail Nagar, Bhagwan Path, Kings Road, Shyam Nagar, Jaipur
7. University Of Rajasthan, Jaipur Through Registrar Jln Marg, Jaipur
8. Sardar Patel Medical College, Through Principal Bikaner, Jaipur
9. Dr. Meera Purohit W/o Late Shri Dr. N.s. Purohit, R/o A-211, Gyan Marg. Tilak Nagar, Jaipur (Raj.) (Deleted By Order Dated 17.12.2025)
10. Shaswat Purohit S/o Late Shri Dr. N.s. Purohit, R/o A-211, Gyan Marg, Tilak Nagar, Jaipur (Raj.) (Deleted By Order Dated 17.12.2025)

----Respondents

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|-------------------|---|---------------------------------------|
| For Appellant(s)  | : | Dr. Gurdeep Singh (Present in Person) |
| For Respondent(s) | : | Mr. Archit Bohra                      |
|                   |   | Mr. Rahul Verma                       |
|                   |   | Mr. Shretima Bagree                   |
|                   |   | Mr. Divyesh Maheshwari                |
|                   |   | Mr. Jay Vardhan Joshi                 |
|                   |   | Mr. Narendra Singh Yadav              |



Mr. Abhiuday Karan Barwar  
Mr. Nitish Kumar Bagri  
Mr. Aditya Jain  
Mr. Hariom Vyas

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**HON'BLE MR. JUSTICE BIPIN GUPTA**

**Judgment / Order**

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|--------------------------------------------------------------------|---------------|
| Date of hearing and conclusion of arguments                        | 20.01.2026    |
| Date on which the judgment was reserved                            | 20.01.2026    |
| Whether the full judgment or only the operative part is pronounced | Full Judgment |
| Date of pronouncement                                              | 09.02.2026    |

1. The present misc. appeal has been filed assailing the order dated 20.07.2024, passed by the learned Additional District Judge No.9, Jaipur Metropolitan I, in Civil Misc. Case No. 25/2022 (CIS No. 60/2022), whereby the application filed by the applicant-appellant under Order 33 read with Section 151 CPC was dismissed.

2. The facts, shorn of unnecessary details, are that the applicant-appellant completed his M.B.B.S. course in the year 1991 as a regular student. On 26.04.1991, the results of the final semester were declared, wherein the applicant-appellant successfully completed his graduation. Thereafter, as part of the prescribed curriculum, the applicant-appellant joined his internship at Primary Health Centre, Napasar, District Bikaner on 07.05.2019. However, on 23.05.1991, the respondents cancelled the internship of the plaintiff, without affording him any opportunity of hearing.

3. The applicant-appellant, averred in his application before the learned Trial Court, that he was subjected to discrimination and has been a victim of the malafide act of the Respondents for last



28 years, as he was a member of the Student Council, which had raised several issues concerning irregularities in the entrance examination and financial affairs of the Institution. Owing to such animosity, the respondents allegedly indulged in overwriting the applicant's marksheets and viva-voce records, which ultimately led to the cancellation of his internship. The applicant thus, filed a writ petition bearing No. S.B. Civil Writ Petition No. 7585/2008 for awarding his formal degree of MBBS in his favour for the examination that he has cleared in the year 1990-91 and sought direction for carrying out his internship. Vide order dated 16.02.2017, the said writ petition was allowed and the respondent Authority was directed to issue the marksheet and degree and also allow him to undergo the internship.

4. Furthermore, the respondents lodged First Information Report No. 199/1991, at Police Station Gandhinagar against the applicant-appellant. However, the applicant-appellant was acquitted in the said criminal case on account of lack of documentary as well as oral evidence. Due to the pendency of the criminal proceedings, the applicant-appellant faced a media trial, as a result of which his career was irreparably damaged and he lost his opportunity to earn a livelihood. Consequently, the applicant-appellant filed a suit for damages against the respondents along with an application under Order 33 Rule 1, 2 and 3 read with Section 151 Civil Procedure Code (hereinafter referred as CPC), praying that he be declared an 'indigent person' and may be permitted to file suit without the payment of court fees.



5. Thereafter, an enquiry as contemplated under Order 33 CPC was conducted, and vide order dated 06.07.2022, the applicant-appellant was declared an indigent person. The said order was challenged by Respondent No. 2 – Dr. H.L. Arora, by filing S.B. Civil Writ Petition No. 13103/2022. The Hon'ble Court allowed the writ petition, vide order dated 29.03.2022, set aside the order dated 06.07.2022, and remanded the matter to the learned Trial Court with a direction to decide the issue afresh after taking into consideration the statutory requirements under Order 33 CPC.

6. In pursuance of the order dated 29.03.2022, a fresh enquiry was conducted by the Chief Ministerial Officer, and the applicant-appellant was thereafter declared an indigent person vide order dated 09.11.2023. Aggrieved by the said order, the respondent no. 2 H.L. Arora, again preferred S.B. Civil Writ Petition No. 1470/2024, wherein vide order dated 04.03.2024, the order dated 09.11.2023 was quashed and set aside, and the learned Trial Court was once again directed to decide the application under Order 33 CPC afresh in accordance with law with a reasoned order keeping in view the observations as made in order dated 29.03.2023.

7. Thereafter, the applicant-appellant filed list of his assets as per mandatory requirement of order 33 rule 2 CPC on 11.03.2024. Notices were duly issued and served. The learned Trial Court vide order dated 20.07.2024, dismissed the application as filed by the applicant-appellant on the ground of being barred by limitation, no cause of action and the applicant is not an indigent person.

8. Aggrieved by the said order, the present miscellaneous appeal has been preferred by the appellant.



9. The appellant present in person submitted that the learned Trial Court erred while dismissing his application under Order 33 CPC on count of being barred by limitation as his case clearly has a continuing cause of action, owing to the fact that since 1991 he had constantly faced hardship due to events such as non-issuance of his degree and marksheet; initiation of criminal proceedings; issuance of marksheet with adversary remarks.

9.1 Thus, the wrong was a continuing one and therefore, the limitation period begins when the series of wrong actions come to an end. In support of his submission, the appellant placed reliance on the case of Hon'ble Apex Court in the case of ***Shakti Bhog Food Industries Ltd. vs Central Bank of India; (2020) 17 SCC 260***, wherein the Court clarified that what is required to be noted is when the right to sue accrues and not when it first accrues. Thus, the cause of action in the present case was a continuing one and accrued only in the year 2020-2022, when the degree was finally issued without any stigmatic remarks and not in 1991. Moreover, the final refusal to provide compensation to the appellant in 2022 crystallized the cause of action and thus, the learned Trial Court erred while computing the limitation period.

10. The appellant further submitted that the Hon'ble Apex Court in ***Re: Cognizance for Extension of Limitation; Suo Moto Writ Petition (C) No. 3 of 2020***, vide orders 23.03.2020 and 10.01.2022 categorically held that the period from 15.03.2020 to 28.02.2022 shall stand excluded for the purposes of limitation. In the present case as the applicant-appellant was awarded his MBBS degree on 10.01.2020 and he had filed the suit for compensation on 28.02.2022 i.e. within 2 years from the date of issuance of



degree with stigmatic remarks. He thus contended that his case was squarely falling with the extended period of limitation as provided by the Hon'ble Apex Court in **Re: Cognizance for Extension of Limitation** (supra) and within Article 113 of the Limitation Act, 1963 (hereinafter referred to as the "Act of 1963").

11. The appellant thus while relying on the provision under Article 113 of the Act of 1963 contended that in case there is a continuing wrong, the limitation runs afresh every day until cessation. The appellant placed reliance on the judgment passed in the case of **Balasaria Construction (P) Ltd. vs Hanuman Seva Trust; (2006) 5 SCC 658** and **Popat and Kotecha Property vs State Bank of India Staff Association; (2005) 7 SCC 510**.

12. The petitioner also contended that the cause of action was clearly pleaded in the plaint and thus rejection of the application under Order 33 CPC on account of no cause of action is without any basis.

13. With regard to the indigency of the appellant, he submitted that he owns no property, house, agricultural land, source of livelihood, assets or any other source of income, sufficient enough, to pay the court fees. He merely survives on the humanitarian aid provided by her aged mother who is also surviving on the minimal pension received by her. Moreover, he has only one bank account as primary holder which also has negligible balance and thus, the court fees i.e. approximately Rs.93,00,000/- is wholly beyond the means of the appellant to pay, keeping in view his meagre source of income.



14. The appellant lastly submitted that the learned Trial Court erred while assuming that as he was a qualified doctor, he definitely had the earning capacity to survive, but it cannot be sole ground to hold the appellant as indigent person. The appellant relied on the Judgment of Hon'ble Apex Court in the case of **Mathai M. Paikeday vs C.K.Anthony**; (2011) 13 SCC 174 wherein it has been held that the test of indigency is whether the applicant possesses sufficient means to pay court fee. The employment status or hypothetical earning capacity is irrelevant and what matters is actual possession of realizable assets by which a person can pay the required court fees.

15. The appellant in person further submitted that in pursuance of the order of the Court, he had duly submitted the required affidavits under Order 33 CPC before the learned Trial Court wherein he has clarified that he is neither in possession of any property or source of livelihood nor has any means to pay the requisite court fees. The appellant, thus, submitted that he squarely qualifies as indigent person as per the parameters of Order 33 CPC and the learned Trial Court wrongly dismissed his application as the refusal was wholly untenable and contrary to evidence available on record.

16. Per contra, learned counsel appearing for the respondents, while supporting the impugned order, submitted that the learned Trial Court rightly arrived at the conclusion that the appellant was not found to be an indigent; he had no cause of action to file the suit and the suit filed by the appellant was time barred. Learned counsel submitted that the appellant has utterly failed to disclose his sources of income as required under the provisions of Order 33



CPC rather he has concealed crucial information from the Court regarding his sources of income. Moreover, the appellant a Doctor by profession and is in possession of a highly professional degree, which is sufficient to arrive at a conclusion that he has the sufficient means to earn a livelihood and is thus, capable to even pay the requisite court fees.

17. Learned counsel for the respondents further contended that if the appellant was in actuality suffering from indigency, why was he residing in a metropolitan city like Jaipur and not at his native place. Further, to prove that he had meagre sources of income, he ought to have been registered in any beneficial scheme of the State Agencies such as Jan Adhar Card or Below Poverty Line Card. However, the appellant has not placed on record any such registration to prove factum of indigency. The appellant also averred that he was under debts due to the multiple proceedings, but has failed to place on record any such document to prove the loans incurred by him due to the legal proceedings.

18. Learned counsel for the respondents thus, submitted that the appellant has failed to discharge the statutory burden cast upon him under Order 33 CPC, which squarely lies on the appellant to establish the inability to pay the court fees . Moreover, suppression of essential facts and their non-disclosure is considered as fatal to the proceedings. In the present case, the appellant has deliberately withheld material facts, which were necessary for adjudication, such as facts pertaining to him receiving financial assistance from his mother, inheritance rights after demise of his father, ownership/possession of residential



property at Hanumangarh, unexplained bank credits amounting to Rs.4,61,000/- and recurring deposits and withdrawals.

19. It was further submitted by the learned counsel for the respondent that the appellant had no cause of action to file the present suit as prima facie there was no loss of income. There was legally no enforceable cause of action, but merely speculative, and hypothetical claims based on assumed future earnings allegedly lost due to events that occurred in the year 1991. Thus, merely on the basis of surmises and conjectures and speculative future earnings in the absence of any proximate or certain cause of loss, there can't be a suit for damages. He, thus, contended that it was evident from the pleadings that no material fact constituting cause of action, the reliefs that were prayed for were not on based on enforceable rights and the pleadings were merely narrative in nature rather than being juridical.

20. Learned counsel for the respondents furthermore while arguing on the point of indigency argued that the permitting indigent suit in a proceeding where claim is in crores would amount to abuse of process as it would weaponize the poverty jurisdiction and would never advance the cause of access to justice as any person merely on basis of speculations and decade old allegations would approach the Court.

21. Lastly, learned counsel for the respondents submitted that the suit of the appellant was prima facie time barred as all the events narrated by the appellant pertained to the year 1991 and the limitation provided for filing the suit for damages and defamation is one year. He placed reliance on Article 72 of the Schedule and Section 9 of the Act of 1963 which contemplates the



time from which the period begins to run and the continuous running of time, respectively. As averred in the plaint, the appellant faced discrimination from the respondents in the year 1991, he however approached the Court in 2008 and has no lucid explanation for the delay in approaching the Court for interregnum period from 1991 to 2008. Hence, the claim of the appellant is hopelessly barred by limitation.

22. Learned counsel for the respondents lastly while dealing with the issue of extension of limitation period submitted that the appellant had merely claimed extension on the ground that he was denied the payment of compensation sought by him through legal notices served. However, it is a settled position of law that the parleys and correspondences between the parties do not enlarge the limitation.

23. Having heard the parties at length, this Court has carefully and thoroughly perused the record of the case, including the pleadings, the reports submitted during the inquiry under Order 33 CPC, the affidavits and documents filed by the appellant, as well as the impugned order passed by the learned Trial Court.

24. It is a settled principle of law that the provisions of Order 33 CPC are enacted as a facet of access to justice. The object of the said provisions is to ensure that a person who is unable to pay the prescribed court fee is not denied the opportunity of approaching the Court for adjudication of his rights. The expression "*indigent person*" under Order 33 CPC has to be construed in a pragmatic and liberal manner, keeping in view the economic realities of the applicant and the purpose sought to be achieved by the legislation.



25. Under Rule 1 of Order 33 CPC, a person is said to be an indigent person, if he is not possessed of sufficient means, other than the property exempt from attachment in execution of a decree and the subject matter of the suit, to enable him to pay the fee prescribed by law. The inquiry contemplated under the said provision is confined to the financial capacity of the applicant to pay the court fee and not to the merits of the claim, except to the limited extent as provided under the provision itself.

26. The jurisprudence evolved around Order 33 CPC makes it clear that the test of indigency is the actual possession of realizable assets or means at the time of presentation of the application sufficient enough to pay the court fees. The Court is required to examine the nature of the property owned by the applicant, his source of income, liabilities, dependents, and other relevant circumstances to ascertain whether he is in a position to pay the requisite court fee. Hypothetical earning capacity, speculative future income or the mere fact that the applicant possesses a professional qualification cannot, by itself, be a ground to deny the benefit under Order 33 CPC.

27. It is equally well settled that the inquiry under Order 33 CPC is summary in nature and confined to the limited question of indigency. While conducting such inquiry, the Court must rely upon the reports of the concerned authorities, affidavits, and documentary material produced on record. Unless the documents are found to be false, fabricated or deliberately suppressed, the Court ought not to reject the application on conjectures or assumptions.



28. Applying the aforesaid principles to the facts of the present case, it is evident from the record that the appellant had moved an application under Order 33 CPC before the learned Trial Court. Upon conducting an inquiry and on the basis of the report of the Reader of the court, the learned Additional District Judge No. 9, Jaipur Metropolitan-I, vide order dated 06.07.2022, had declared the appellant as an indigent person and notices were issued to the respondents.

29. The said order dated 06.07.2022 was challenged by the respondents by way of S.B. Civil Writ Petition No. 13103/2022, wherein the order dated 29.03.2023 came to be passed, setting aside the order dated 06.07.2022 and remanding the matter for fresh consideration.

30. From the record it is clear that in pursuance of the order dated 29.03.2023 of this Court, the learned Trial Court gave opportunity to defendant no. 2- Shri. H L Arora to file reply to the application under Order 33 Rule 1,2 and 3 filed by the applicant. However, in the order sheet dated 27.07.2023 of the learned Trial Court, it is recorded that defendant no. 2 did not want to file any reply. Further, in pursuance of the order dated 29.03.2023, trial court found that the inquiry earlier made was by a incompetent official i.e Reader of the Court and thus, directed fresh inquiry to be conducted by the Chief Ministerial officer of the learned Trial Court, which is mandatory requirement as per Order 33 Rule 1A CPC.

31. In the said inquiry, as many as nine specific parameters were framed, namely: ownership of immovable property; movable assets; bank accounts; PAN and income tax returns for last five



years; sale or purchase of property in last seven years; possession of BPL/Aadhar/Ration cards; loans from relatives or friends; details of rented accommodation and expenditure thereon; and any other source of income. Necessary documents were also sought from the concerned authorities to verify the said aspects.

32. In the inquiry, the applicant-appellant submitted an affidavit along with supporting documents. The Tehsildar, Hanumangarh, certified that no agricultural or residential property stood in the name of the applicant-appellant. The Income Tax Department reported that no PAN was registered in his name and no income tax returns had been filed for the last five years. It also emerged that the applicant-appellant had only about Rs.15,000/- in his bank account and the amount of Rs.4,51,463/- received upon the death of his father had already been distributed amongst family members and other beneficiaries. No sale or purchase of property in the last seven years was reported. The applicant-appellant possessed only an Aadhar and ration card in the name of his father. He was residing in a rented accommodation in Jaipur and had no independent source of income, surviving only on financial assistance from his mother.

33. The Chief Ministerial Officer, after considering the responses and documents, submitted a report dated 12.03.2024 confirming the aforesaid facts on all the nine parameters. The learned Trial Court, vide order dated 01.06.2024, recorded that *prima facie* the applicant-appellant appears to be an indigent person in light of the report, though the matter was kept to be decided after hearing both the parties. The order sheet dated 01.06.2024 is reproduced below:



“बकुलाय पक्षकारान उपस्थित। बहस सुनी गई, पत्रावली का अवलोकन किया गया। मा.राज.उ.न्याया. के एस. बी.सिविल रिट पिटीशन नम्बर 13103/2022 डॉ. एच.एल. अरोडा बनाम डॉ. गुरदीप सिंह के मामले में दिये गये आदेश दिनांक 29.03.2023 में पारित निर्देशों के अनुसार वादी गुरदीप सिंह के संबंध में आदेश 33 सि.प्र.सं. की जांच के तहत यह देखना है कि क्या वह दावे के न्यायशुल्क को अदा करने के लिए पर्याप्त साधन नहीं रखता है। इस क्रम में वादी ने आदेश 33 नियम 2 सि.प्र.सं. के तहत चल अचल सम्पत्तियों के संगत मूल्य (corresponding value) को प्रकट किया है। वादी ने इसके लिए लिखित प्रार्थना पत्र मय सम्पत्ति सूची व मय शपथ पत्र को पेश किया है। इस सूची की जांच के संबंध में न्यायालय द्वारा पूर्व में ही मुख्य लिपिक वर्गीय अधिकारी से जो रिपोर्ट प्राप्त हुई है, उसके परीक्षण से प्रकट होता है कि वादी गुरदीप के नाम उसके गृह जिले हनुमानगढ़ में कोई कृषि भूमि या सम्पत्ति नहीं है। वादी के बैंक खाते में भी अधिकतम 4,51,463.81 रुपये का डी.डी. जमा होना प्रकट होता है जो उसे उसके पिता की मृत्यु के उपरांत खाते में बतौर नॉमिनी प्राप्त होना प्रकट हुआ है, उसे भी चार हिस्सों में बांटा जाना प्रकट किया है। वादी द्वारा गत पांच वर्षों में आयकर विवरणी भी प्रस्तुत नहीं करना प्रकट होता है। अगर गुरदीप सिंह ने कोई सम्पत्ति क्रय की हो तो यह भी प्रकट नहीं होता है, क्योंकि उसने स्वयं ने ऐसा शपथ पत्र पेश किया कि उसने पिछले 7 वर्षों में कोई अचल सम्पत्ति विक्रय नहीं की है। वादी का कोई बी.पी.एल. कार्ड नहीं बना है। राशन कार्ड भी उसके पिता के नाम से बना है। उसने अपना खर्चा भी अपनी माता से प्राप्त करना शपथ पत्र में कहा है। डॉ. गुरदीप सिंह जयपुर में किराये के मकान में रहता है, इसके समर्थन में किरायानामा की प्रति पेश की है उसका कोई रोजगार नहीं होना, कानूनी मामलों में लम्बे समय से उलझे रहने से स्थायी रोजगार नहीं होना कथन किये गये हैं। इस संबंध में प्राथमिक तौर पर संकलित की गई साक्ष्य से यह प्रथमदृष्ट्या प्रकट होता है कि वादी के पास न्यायशुल्क अदा करने के लिए पर्याप्त साधन नहीं है, परन्तु इस संबंध में पक्षकारों को सुना जाकर ही आदेश 33 नियम 5 सि.प्र.सं. के तहत अग्रिम कार्यवाही के संबंध में निष्कर्ष दिया जा सकता है। अतः विपक्षीगण को नोटिस जारी कर या सूचना देकर तलब किया जाए।

पत्रावली वास्ते सुनवाई बाबत आदेश 33 नियम 5 सि.प्र.सं. दिनांक 02.07.2024 को पेश हो।”

34. Thereafter, a bare perusal of the order sheet dated 02.07.2024 reveals that the learned Trial Court ordered for issuance of notice to respondents by registered post under Order



33 Rule 6 (Wrongly mentioned as Order 33 Rule 5 but subsequently corrected vide order sheet dated 06.07.2024). Thus, the learned Trial Court proceeded under Order 33 Rule 6 and hence was required to permit the parties to adduce evidence as required under Order 33 Rule 6 CPC, but this Court on perusal of the record finds that the learned Trial Court on 02.07.2024, refused the application of defendant no. 8, who wanted to adduce evidence, to disprove the case of the plaintiff and thus violated the provision of Order 33 Rule 6 CPC.

35. This Court is also of the opinion that after the order dated 01.06.2024 is passed, and notice under order 33 rule 6 having been issued, without permitting defendant no. 8 to disprove the indigency of the applicant- appellant, could not have dismissed the application by applying the provisions of Order 33 Rule 5, as before passing any order under Order 33 Rule 7, a compliance of Order 33 Rule 6 giving opportunity to disprove ought to have been given.

36. This Court also on perusal of the order sheet dated 09.05.2024 finds that the applicant-appellant had stated that whatever information has been collected by the Inquiry Officer may be treated as evidence and no further evidence is required to be given. Thus, if the learned Trial Court had permitted defendant no. 8 to disprove the material available on record in order to decide the application of the applicant-appellant as an indigent person, then this Court would have directly decided the present appeal on merits as there is sufficient material of the appellant being an indigent person and to the effect that the appellant had clearly disclosed the cause of action in the suit and had also



disclosed as to how the suit was within limitation. But since, no opportunity was given to the defendant no. 8 to disprove the fact of applicant not being an indigent person, this Court therefore, refrains itself from passing order on merits and deems it appropriate to remand the matter back to the learned Trial Court to give an opportunity to the defendants to disprove the case of the applicant in regard to indigency.

35. Accordingly, the present appeal is hereby **partly allowed**. The impugned order dated 20.07.2024 passed by the learned Additional District Judge No. 9, Jaipur Metropolitan-I, in Civil Misc. Case No. 25/2022 is quashed and set aside.

36. The matter is remanded back to the learned Trial Court to give opportunity to the defendants to disprove the application of applicant-plaintiff as required under Order 33 Rule 6 CPC and thereafter, pass an order as per the provisions of Order 33 Rule 7 CPC. The learned Trial Court shall complete this exercise within period of two months from the date of receipt of the certified copy of this order. The trial court shall not be influenced by this order in any manner while deciding the appellants application.

37. The record of the learned Trial Court along with the copy of this order be sent immediately to the learned Trial Court. All parties are directed to remain present before the learned Trial Court on 23.02.2026.

38. No order as to costs.

39. All pending applications stand disposed of.

**(BIPIN GUPTA),J**