

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p data-bbox="660 488 954 517"><u>WPMS No. 1096 of 2026</u></p> <p data-bbox="660 524 1139 562"><u>Hon'ble Rakesh Thapliyal, J.</u></p> <ol style="list-style-type: none"> <li data-bbox="660 577 1422 656">1. Ms. Shweta Jain, learned counsel for the petitioner. <li data-bbox="660 667 1422 1003">2. The petitioner herein is daughter-in-law of the respondent who is plaintiff in Civil Suit bearing Civil Suit no. 14 of 2026 filed for permanent injunction against the petitioner. The Civil Court issued summons to the petitioner and now being aggrieved with the order passed by the learned Civil Judge (Jr. Div.) dated 25.03.2026, the petitioner preferred this petition. <li data-bbox="660 1014 1422 1641">3. It is argued by the learned counsel for the petitioner that suit filed by the respondent/plaintiff who is father-in-law of the petitioner is a collusive suit, since, there was some matrimonial dispute in between the petitioner and her husband who now shifted to Dubai and thereafter the suit was filed only with an intention to oust the petitioner from the house. She also submits that the petitioner has two minor children from her marriage and she is facing acute financial hardship and this petition has been filed in exceptional circumstances so that efforts may be made for amicable settlement since the petitioner is burdened to look after two minor children. <li data-bbox="660 1653 1422 1944">4. After gone through with the reliefs, as sought in this petition, this Court is of the view that instant petition is not maintainable since petitioner has a remedy to file an application under Section 7 Rule 11 of CPC, therefore, only for the purpose of settlement the petition cannot be entertained. <li data-bbox="660 1955 1422 2022">5. The counsel for the petitioner submits that since petitioner is facing acute financial

hardship, and there is no financial support from her husband who is in Dubai and she is looking after her two minor children, therefore, she may be provided Legal Aid Counsel to contest her case.

6. The submission as above appears to be innocuous and if litigant is facing financial hardship then has a right to get free Legal Aid.

7. In such view of the matter, the Secretary of High Court Legal Service Authority is directed to immediately provide free Legal Aid Counsel to the petitioner to contest Suit No. 14 of 2026, Akhtar vs. Ashiq Hussain & Anr. pending in the court of Civil Judge (Jr. Div.) Ramnagar, Nainital.

8. The Registry is directed to send a copy of this order to the Secretary of the High Court Legal Service Authority by tomorrow so that he may appoint some Legal Aid Counsel forthwith.

9. With the direction and observation as above, the instant writ petition is disposed of.

(Rakesh Thapliyal, J.)

19.05.2026

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