



**In the High Court of Punjab and Haryana, at Chandigarh**

**Civil Revision No. 4001 of 2023**

**Date of Decision: 21.03.2025**

Parmod Kumar

... Petitioner(s)

Versus

The Future General Insurance Company Limited and Others

... Respondent(s)

**CORAM: Hon'ble Mr. Justice Anil Kshetarpal.**

Present: Mr. Rakesh Dhiman, Advocate  
for the petitioner(s).

Mr. Punit Jain, Advocate  
for respondent No.1.

Mr. Gautam Kaile, Mr. Ashwani Kumar Antil and  
Ms. Poonam Saroya, Advocates, for respondents No.2 and 3.

**Anil Kshetarpal, J.**

1. The petitioner herein has filed a suit for mandatory injunction directing the insurance company to pay the damages suffered by him due to fact that his wall fell. In the suit, the construction company was also impleaded as a party. The conditional decree of ₹20,000/- was passed subject to deposit of court fee.

2. Two appeals were filed, one by the plaintiffs and another by the construction company. The First Appellate Court dismissed the appeal filed by the plaintiffs on the ground that there is no decree by the Trial Court as the plaintiffs have failed to deposit the court fee as directed.

3. The learned counsel representing the petitioner submits that the impugned order was passed in the absence of the petitioner and he should

have been granted an opportunity to deposit the court fee. The learned counsel further submitted that the cross-appeal filed by the construction company was also dismissed by this Court.

4. This Court has considered the submissions of the learned counsel representing the parties.

5. Poverty cannot be a ground to deny the relief to an individual in a meritorious case. The Court has a power to exempt the payment of court fee. The Court has also a power to extend the period to deposit the court fee. It was incumbent upon the First Appellate Court to permit the petitioner to deposit the court fee by granting him a reasonable time. The First Appellate Court has acted with undue haste.

6. Keeping in view the aforesaid facts, the present revision petition is allowed and the order passed by the First Appellate Court is set aside. The petitioner is granted an opportunity to make good the deficiency in the court fee before the Trial Court within a period of one month. On deposit of the court fee, the first appeal shall stand restored to its original number. The appeal filed by the construction company will also stand revived.

**(Anil Kshetarpal)**  
**Judge**

**March 21, 2025**

“DK”

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No