



129 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-1265-2023

Date of decision : 30.01.2025

RAM KISHAN

....Petitioner

Versus

ISHWAR AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Ravinder Malik, Advocate
for the petitioner.

Mr. Vishal Yadav, Advocate
for respondent No.5.

Mr. Rajesh Goyal, Advocate
for respondent No.6.

PANKAJ JAIN, J. (ORAL)

The present revision petition is directed against order dated 2nd of November, 2022 whereby application filed by the plaintiff under Order XXXIII Rule 1 & 2 CPC seeking exemption from paying Court Fee claiming himself to be an indigent senior citizen, stands declined.

2. Counsel for the petitioner has assailed the impugned order submitting that Order XXXIII CPC contemplates inquiry. Local Commissioner was appointed. Report was submitted by the Local Commissioner which has been appended as Annexure P-4. As per the same, the petitioner only owns 3 Marla house in *lal dora*, apart from 2 Marla land 3/32 share in Khasra No.241 admeasuring 1 Kanal – 3 Marla.



3. Per contra, counsel for the respondents has drawn attention of this Court to the findings recorded by the Trial Court. The same are based upon the admission made by the petitioner himself. In his testimony, he admitted of having entered into an agreement to purchase, dated 07.05.2014 with one Parmeshwari Devi. He agreed to purchase land @ Rs.50,00,000/- per acre and also paid an earnest money of Rs.20,00,000/-.

4. I have considered rival contentions of the parties.

5. Present revision has been filed under Article 227 of the Constitution of India. While explaining the scope of Article 227 and supervisory jurisdiction conferred on High Court, Supreme Court in the case of **Sadhana Lodh vs. National Insurance Company Limited and others, (2003) 3 SCC 524** observed as under:

“7. The supervisory jurisdiction conferred on the High Courts under Article 227 of the Constitution is confined only to see whether an inferior court or Tribunal has proceeded within its parameters and not to correct an error apparent on the face of the record, much less of an error of law. In exercising the supervisory power under Article 227 of the Constitution, the High Court does not act as an Appellate Court or the Tribunal. It is also not permissible to a High Court on a petition filed under Article 227 of the Constitution to review or re-weigh the evidence upon which the inferior court or Tribunal purports to have passed the order or to correct errors of law in the decision.”

6. Keeping in view the findings of fact which are based upon admission made by the petitioner before the Court while appearing as AW-1,



this Court does not find any merit in the instant revision petition.

Resultantly, the same is ordered to be dismissed.

January 30, 2025

(Pankaj Jain)

Dpr

Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No