

Anar Devi Vs. Chandra Devi

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Court : Rajasthan

Decided On : Mar-14-2005

Reported in : AIR2005Raj270; RLW2005(3)Raj1634; 2005(3)WLC731

Judge : S.K. Keshote, J.

Acts : [Legal Services Authorities Act, 1987](#) - Sections 2(C) and 12

Appeal No. : S.B. Civil Misc. Appeal (Def.) No. 1853 of 2004

Appellant : Anar Devi

Respondent : Chandra Devi

Advocate for Def. : Sanjay Pareek, Adv.

Advocate for Pet/Ap. : Rajvir Sharma, Adv.

Judgement :

S.K. Keshote, J.

1. The registry has pointed out the defect 'court fee deficit Rs. 5305/-.' The appellant No. 1 is a woman and appellant Nos. 2 to 5 are her minor daughters and sons. The matter pertains to grant of succession certificate of the estate left by deceased Shyam Singh.

2. Section 12 of the [Legal Services Authorities Act, 1987](#) (for short, 'the Act, 1987') lays down a criteria of giving free and competent legal services and provides that every person, who has to file a defend a case, shall be entitled to legal services under his Act if that person is, inter alia, a woman or a child.

3. The word 'legal service' is defined in Section 2(C) of the Act, 1987, which means-it includes the rendering of any service in the conduct of any case or other legal proceedings before any court or other authority or tribunal and the giving of advice on any legal matter.

4. The Act, 1987 is enacted to constitute the legal services authorities to provide free and competent legal services to the weaker sections of the society to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities, and to organize Lok Adalats to secure that the operation of the legal system promotes justice on a basis of equal opportunity.

5. It is unfortunate that though the appellants are entitled for free and competent legal services but instead of approaching to the Rajasthan High Court Legal Services Authority, this appeal has been filed though Advocate. In case they would have approached to the Rajasthan High Court Legal Service Authority, there would not have been any difficulty for them to get free and competent legal services; even they may not require to pay any money in respect of payment of Advocate's fee as well as typing charges etc.

6. In view of the provision of Section 12 of the Act, 1987 I am satisfied that the appellants are entitled for free and competent legal services and thus they are exempted from payment of the court fees.

7. The objection raised by the registry is waived.

8. Put up for admission of 15.4.2005.