

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Civil Application No.32 of 2015 in C.R.A.St. No.12072 of 2015

***(Balapur Minority Education and Welfare Society, Balapur .vs. Zaibunnisa w/o. Sayyad
Sakhawat Ali and Ors.)***

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr.A.I.Sheikh, Adv. for the applicant.
Mr.Ankush Tirukh, Adv. for respondent nos. 1 to 4.

CORAM : A.P.BHANGALE, J.

DATE : 10.9.2015.

Heard.

This is an application for condonation of delay in filing Civil Revision Application. The Civil Revision Application is filed seeking to challenge the order under Order 33, Rules 1 and 2 r/w. Section 151 of the Code of Civil Procedure passed by the trial Court allowing the applicants in the trial Court to file an application to sue as pauper. According to the trial Court, the applicants were poor ladies with no movable and immovable properties in their names except the suit property in which they claim their rights, title and interest. Since, according to the applicants, they have no source of income to pay the Court fees on the suit claim, it was observed that they had no source of income except the suit property and they were allowed to sue as indigent persons.

According to the learned Counsel who seeks condonation of delay of 97 days in order to prefer revision,

the applicants in the trial Court have means to pay the Court fees. If that is so, nothing prevents the applicants to bring to the notice of the trial Court that the applicants who were allowed to sue as indigent persons have means to pay the Court fees and the property is at their disposal to bear expenses for the suit. If such evidence is brought on record, the trial Court would certainly consider it. Hence, there is no need to condone the delay and to keep the revision application pending. With these observations, Civil Application No.32 of 2015 for condonation of delay and Civil Revision Application St. No.12072 of 2015 are disposed of.

JUDGE

**jaïs*