

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN

&

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

TUESDAY, THE 30TH DAY OF JUNE 2015/9TH ASHADHA, 1937

FAO.No. 145 of 2011 ()

(AGAINST THE ORDER/JUDGMENT IN IOP 3/2010 of SUB COURT, QUILANDY DATED 25-01-2011)

APPELLANT(S)/PETITIONER:

ANAPARAKKAL ABDUL MAJEED.T.P,
S/O.AYAMMED KUTTY HAJI, UNNIPURAM AMSOM,
KANTHAPURAM DESOM, KOYILANDY TALUK, KOZHIKODE
DISTRICT.

BY ADV. SRI.P.CHANDRASEKHAR

RESPONDENT(S)/RESPONDENT:

CHACO.P.M, S/O.MATHEW, PALAKKULAM HOUSE,
PANANGAD AMSOM, KOYILANDY TALUK, KOZHIKODE
DISTRICT.

THIS FIRST APPEAL FROM ORDERS HAVING BEEN FINALLY HEARD ON 30-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**THOTTATHIL B. RADHAKRISHNAN &
SUNIL THOMAS, JJ.**

F.A.O. No.145 of 2011

Dated this the 30th day of June, 2015

JUDGMENT

Thottathil B. Radhakrishnan, J.

The respondent in the FAO was at one point of time undergoing imprisonment in the central prison. Notice was taken out to be served on him through the prison authorities. Then, it was reported that after suffering sentence, he was released and his whereabouts are not known. With the passage of time, the appellant has thought it appropriate that rather than continue to, pursue the request to be permitted to sue as an indigent, he would pay the court fee due before the court below on I.O.P.No.3/2010. An application is filed seeking the relief to do so.

2. Having regard to the peculiar facts and circumstances and taking note of the submissions made on the basis of the contentions of the affidavit filed in support of I.A.No. 1593/2014, we order this appeal allowing that I.A. and thereby allowing the appellant to pay the court fee in I.O.P. No.3/2010 on the file of the Sub Court, Koyilandy. We condone the delay in remitting the court fee, provided such court fee is paid within a period of one month from

today. If that court has rejected the IOP for non- payment of the court fee, let that order of rejection also stand set aside by the force of this order and the court will take IOP and permit the appellant (petitioner in IOP) to pay the court fee and further prosecute the IOP.

The appellant is directed to mark appearance before the court below on 20/7/2015.

The appeal is ordered accordingly.

Sd/-

THOTTATHIL B.RADHAKRISHNAN
Judge

Sd/-

SUNIL THOMAS
Judge

dpk

/true copy/ PS to Judge.

