

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.10.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

CRP.NPD.No.3876 of 2015 and
M.P.No.1 of 2015

1. Vasanthi
2. Valliammal

.. PETITIONERS

Vs

Regina Mary

.. RESPONDENT

Civil Revision Petition filed under Article 227 of the Constitution of India against the order passed by the learned Principal District Judge, Puducherry in POP.No.40 of 2012 dated 08.07.2015.

For petitioners : Mr.S.C.Vishwanth

For Respondent : ...

ORDER

The Revision Petitioners are the respondents in POP.No.40 of 2012 on the file of the learned Principal District Judge, Puducherry. The respondent herein filed POP.No.40 of 2012 seeking permission of the court to sue as *informa pauperies* under Order 33 of CPC.

2. The trial court allowed POP.No.40 of 2012 on 08.07.2015.

The Revision Petitioners are against the aforesaid order.

3. Heard the learned Counsel appearing for the Revision Petitioners.

4. The respondent herein, who filed POP.No.40 of 2012 examined herself as witness and marked Ex.P.1 to Ex.P.9. But the Revision Petitioners have not chosen to let in any evidence to disprove the claim of the respondent. Basing on Ex.P.1 to Ex.P.9 and also getting an indigent report from the Government, the trial court came to the conclusion to allow the application.

5. In this regard, it is useful to extract paragraphs 5 to 7 of the said order hereunder:

"5. Order 33 CPC governs the provisions with respect to suits by indigent person and Rule 1-A states that an enquiry should be made regarding the means of an indigent person. In this connection, the petitioner was examined as P.W.1 and Exs.P1 to P9 were marked on her behalf. They are nothing but the suit documents on which basis the petitioner claimed her suit reliefs. During cross examination she had denied that she had sufficient means to present the suit on payment of court fees.

6. This court made further enquiry and issued

notice to the Government of Puducherry and a letter had been received from the office of the Deputy Collector (Revenue) North, Puducherry, in which it has been stated that "the petitioner Tmt.Regina Mary, W/o.Xavier, is living in a relative's house and her daily bread and butter is from attending the tailoring work. The family annual income is assessed as Rs.24,000/-. Hence the request of the petitioner to consider her as an indigent person may be considered by the Hon'ble Court."

7. Inconsequence of the above said document dated 29.10.2012, this court has to necessarily come to the conclusion that the petitioner can present the plaint as an indigent person particularly since the said report has been given by a competent authority. The point is answered accordingly."

6. More particularly, in paragraph 6 of the order, it is stated that the trial court issued notice to the Government of Puducherry and received a letter from the Office of the Deputy Collector (Revenue) North, Puducherry about the indigence circumstances of the respondent.

D.HARIPARANTHAMAN, J.

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7. In view of the reason given by the trial court, I am not inclined to interfere with the said order passed by the learned Principal District Judge, Puducherry in POP.No.40 of 2012 dated 08.07.2015.

8. In the result, the Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is also closed.

01.10.2015

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To

Principal District Judge, Puducherry.

CRP.PD.No.3876 of 2015

