



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.06.2015

CORAM:

WEB COPY

THE HONOURABLE MS.JUSTICE V.M. VELUMANI

C.M.A. (MD) No. 641 of 2015 and M.P (MD) .No.1 of 2015

M. Saravanakumar ... Appellant/Petitioner/Plaintiff
Vs.

1.P.K. Chinnamokkaiyan

2. M. Annapoorani

3. K. Jothi

4. M. Chendurapandi

5. M. Sasikala

6. District Collector,

Theni District, Theni

(R1 to R4 and R6 are given up) .. Respondents/Respondents/Defendants

Prayer: This Civil Miscellaneous Appeal is filed under Section 104 read with Or.XLIII, Rule 1(Na) of the Civil Procedure Code, 1908, against the fair and executable order dated 09.03.2015 rendered in P.O.P.No.2 of 2013 on the file of Principal District and Sessions Judge, Theni dismissing the petition to sue in forma pauperis.

For Appellant : Mr. R.A. Mohanram

J U D G M E N T

This Civil Miscellaneous Appeal is filed against the fair and executable order dated 09.03.2015 rendered in P.O.P.No.2 of 2013, declaring the appellant as indigent person, on the file of Principal District and Sessions Judge, Theni,

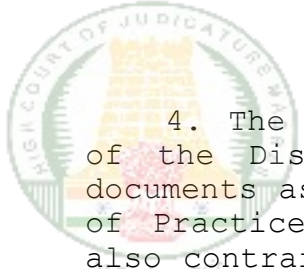
2. The appellant filed OP for filing suit as indigent person. Notice was ordered to the District Collector, Theni, for getting report with regard to the financial status of the appellant. Notices were also served on the respondents. The District Collector, Theni, sent three letters dated 19.03.2010, 16.06.2011 and 22.11.2013 which were marked as Court documents as Exs.C1 to C3. From the said letters, it is seen that the petitioner is not an indigent person and he is in possession of the following assets:-

(I) A house worth about Rs.5,00,000/-

(ii) An agricultural land at Varusanadu village

Further, the fifth respondent also gave oral evidence to show that the appellant is not an indigent person, but, he is a man of means.

3. Considering all the materials available on record, the learned Judge dismissed the petition filed by the appellant herein. Against the said order of dismissal, the appellant has filed the present appeal.



4. The learned counsel for the appellant contended that the letters of the District Collector ought not to have been marked as Court documents as Exhibits, as they are against Rules 21 and 22 of Civil Rules of Practice. Similarly, the reliance evidence of fifth respondent is also contrary to law. The appellant is living separately from his father and therefore, he cannot be termed as man of means. This contention of learned counsel for the appellant has no force. When a petition is filed for permission to file suit or appeal as an indigent person, a report must be obtained from District Collector, with regard to the financial status of said person. In the present case, the District Collector, Theni, after due verification has sent the report with regard to the financial status of the appellant.

5. In such circumstances, the learned Judge has not committed any irregularity or illegality by marking the said documents as Court documents as Exs.C1 to C3 and relying on them. Therefore, there is no reason to interfere with the order passed by the learned Principal District and Sessions Judge, Theni in POP.No.2 of 2013.

6. In the result, the Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar

To

1. The Principal District and Sessions Judge, Theni

2. The District Collector, Theni.

+1cc to MR.R.A.MOHANRAM, Advocate in SR.No. 31464

Trp

SR : 22.07.2015 : 2p/4c

C.M.A.(MD) No. 641 of 2015 and
M.P.(MD).No. 1 of 2015
17.06.2015