

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Civil Case No.451 of 2016**

Smt. Poonam Singh W/o Shri Virendra Singh Thakur, Aged About 51 Years D/o Shamser Singh Thakur, Caste Rajput, R/o Mahima Sagar Ward Danitola Dhamtari, Tahsil & District Dhamtari, Chhattisgarh(Defendant No.1)

---- Applicant

Versus

1. Ashok Kumar S/o Late Deepchand Parakh, Aged About 58 Years R/o Itwari Bazaar, Dhamtari, District Dhamtari, Chhattisgarh
2. Saurabh Parakh S/o Late Kishore Parakh, Aged About 23 Years R/o Itwari Bazaar, Dhamtari, District Dhamtari, Chhattisgarh
3. Rahul Parakh S/o Late Rajkumar Parakh, Aged About 19 Years R/o Itwari Bazaar, Dhamtari, District Dhamtari, Chhattisgarh
4. Neelam Devi W/o Rameshchandji Tatiya, Aged About 45 Years R/o Near Jain Mandir, Durg, Chhattisgarh
5. Amita Sankhla W/o Sureshchandji Sankhla, Aged About 43 Years R/o Marathapara, Dhamtari, District Dhamtari, Chhattisgarh
6. State Of Chhattisgarh, Through Collector, Dhamtari, District Dhamtari, Chhattisgarh(Plaintiffs)

---- Respondents

For appellant : Shri Shashank Upadhyay, Advocate
 For respondents : None present.
 Shri Sumit Jhawar, Panel Lawyer for the State.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****21.11.2016.**

Heard.

2. Counsel for the State was directed to submit a report regarding indigency of the applicant who filed the instant MCC for permission to file First Appeal without paying the Court fee as required.

3. Counsel for the State has submitted a copy of report of the Collector, Dhamtari regarding indigency of the applicant. The same is placed in the record and made the part of the record.

4. Perused the said report.

5. After perusal of the said report, it appears that present applicant/appellant Smt. Poonam Singh, who was defendant No.1 before the District Court Dhamtari in Civil Suit No.10A/15, is earning Rs.25,000/- per annum. She is engaged in domestic work as servant for her livelihood and is having immovable property measuring 0.020 hectares only. After perusal of the said report, it appears that the applicant is an indigent person and she is not possessing sufficient means to pay fee prescribed by the law for filing the first appeal.

6. In view of the above finding, application (MCC) filed under Order 44 Rule 1 of the CPC is hereby allowed and the applicant/appellant is permitted to prefer the appeal as an indigent person. The applicant is exempted from paying the requisite court fee to prefer the appeal.

7. Registry is directed to register the matter under the head of First Appeal against the respondents. Registry is further directed to call the record from the concerned Tribunal through usual and fax mode.

8. Heard on the question of admission.

9. Perused the impugned judgment and decree of the instant appeal.

10. The appeal is not liable for dismissal under Order 41 Rule 11 of the Code.

11. The appeal appears to be arguable.

12. The appeal is admitted for consideration.

13. Issue notice to the respondents on merits of the appeal and also on IA No.01/16, on payment of PF within seven days from today under Rules 167 and 172 of the High Court of Chhattisgarh Rules, 2007 through RAD mode in addition to the usual mode of service returnable within four weeks along with a copy of the appeal , IA No.01 and other annexed documents.

14. Notice of hearing shall be affixed on the notice board of this Court and also be sent to the Court of first instance, i.e. District Judge, Dhamtari in accordance with Order 41 Rule 14 of the Code.

15. The appellant is directed to furnish security of Rs.5,000/- before the Court of first instance for the cost of this appeal within a period of one month in accordance with Order 41 Rule 10 of the code.

16. List this matter immediately are service to the respondents are completed for hearing on IA No.01/16.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE