

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2016

CORAM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

C.R.P.(PD) No.2960 of 2015

And

M.P.No.1 of 2015

Kasturi

... Petitioner

Vs.

1.Ramayee

2.Saravanan

3.The Deputy Collector Revenue (North)

Having Office at Saram,

Puducherry – 13.

... Respondent

Prayer:

Petition filed under Section 115 of C.P.C. praying to set aside the order and decreetal order dated 11.02.2015 made in I.A.No.606/2014 in Un A.S.No. /2014 on the file of the Principal District Judge at Puducherry.

For Petitioner : Mr.U.Karunakaran

For Respondents : Mr.K.S.Karthik Raja

for R1

Mrs.D.Reena Iswariya

Additional Government Pleader

(Pondicherry)

for R3

O R D E R

This Civil Revision Petition is directed against the order dated

11.02.2015 in I.A.No.606 of 2014 permitting the first respondent to file the appeal as an indigent person.

2.According to the revision petitioner, the first respondent was in possession of means as on the date on which the appeal was instituted by her. Even though she was having a Bank account, the same was not produced before the Appellate Court. According to the petitioner, the contention taken by her before the Appellate Court with respect to the means of the first respondent has not been taken note of by the learned Appellate Judge while allowing the application in I.A.No.606 of 2014.

3.Heard the learned counsel for the petitioner, the learned counsel for the first respondent and the learned Additional Government Pleader (Pondicherry) appearing for the third respondent.

4.The first respondent filed an Interlocutory Application in I.A.No.606 of 2014 with a contention that she is not in possession of the required means to file the Appeal and as such, she should be permitted to institute the Appeal as an indigent person. The learned Appellate Judge called for a report from the Revenue Officer, Revenue Department, Puducherry with regard to the means of the petitioner.

The report submitted by the Revenue Officer, dated 13.06.2014 proved that the first respondent was not in possession of property and she is under the care and custody of her son. The learned Appellate Judge considered the materials and ultimately allowed the application with an observation that the first respondent is not in possession of the necessary means to pay the Court fee.

5.The learned Appellate Judge placed reliance on the report filed by the Revenue Authorities and decided the question of means. There is no error or illegality in the order warranting interference.

6.The learned Principal District Judge, Puducherry is directed to number the Appeal and dispose of the same, as expeditiously as possible and in any case on or before 31st March 2017.

7.The Civil Revision Petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

17.11.2016

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Index: Yes/ No
Internet: Yes/ No

K.K.SASIDHARAN,J.
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To

1.The learned Principal District Judge, Puducherry.

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