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HIGH COURT OF CHHATTISGARH, BILASPUR**MCC No. 770 of 2016**

(Arising out of judgment/order dated 29.06.2016 in Civil Suit No. 03-B/2015 of the learned Additional District Judge)

1. Manohar Masih S/o Matidas, Aged About 42 Years R/o Village Baitalpur, Police Station Hirri, Tahsil Patharia, District Mungeli, Chhattisgarh
2. Sunita Masih W/o Manohar Masih, Aged About 33 Years R/o Village Baitalpur, Police Station Hirri, Tahsil Patharia, District Mungeli, Chhattisgarh(Plaintiffs) **---- Petitioners**

Versus

1. Officer In - Charge Chhattisgarh State Electricity Board, Sargaon, Police Station Hirri, Tahsil Patharia, District Mungeli, Chhattisgarh
2. Chhattisgarh State Electricity Board, Through Chief Engineer, Chhattisgarh State Electricity Board, Tifra, District Bilaspur, Chhattisgarh
3. State Of Chhattisgarh, Through Collector, Bilaspur, District Bilaspur, Chhattisgarh
4. Principal, Government Middle School, Baitalpur, District Bilaspur, Chhattisgarh, At Present District Mungeli, Chhattisgarh
5. Vinod Kumar Sharma S/o Late Shri Ramkripal Sharma, Aged About 48 Years R/o Village Belgahna, Tahsil Kota, District Bilaspur, Chhattisgarh (Defendants) **---- Respondents**

For Applicants/Appellants	:	Shri Ram Kumar Tiwari, Advocate.
For Respondent No.1 & 2	:	Shri B.D.Guru, Advocate.
For Respondent No.3/State	:	Shri U.N.S.Deo, G.A.
For Respondent No.4	:	None appears.
For Respondent No.5	:	Shri Rishi Rahul Soni, Advocate.

Hon'ble the Chief Justice
Hon'ble Shri Justice Sanjay Agrawal

Order On Board**06/12/2017****Per Thottathil B. Radhakrishnan, C.J.**

1. We have perused the application (M.C.C.) filed under 33 Rule 01 of the Code of Civil Procedure, 1908.

2. The petitioners are the plaintiffs in the Civil Suit, which was partly decreed by the trial Court.

3. It is seen that the petitioners were permitted to sue as indigent persons before the trial Court. They have pleaded in para – 3 of the application that they are poor persons and are unable to pay court fee of Rs.65,800/- . If these factors are considered together, it would show that they continue to be indigent persons and are unable to pay Court fee even after the passing of the impugned decree. There is nothing on record to show that they have, subsequent to the suit, acquired the means to pay Court fee on this appeal. There is no report from the State Government also to that effect. Under such circumstances, we are of the view that sufficient ground has been shown by the petitioners to sue M.C.C. as indigent persons.

4. Accordingly, M.C.C. is allowed and the petitioners are permitted to sue as indigents in the first appeal. The Office is directed to register First Appeal after allotting number.

5. The Appeal is admitted for hearing.

6. We see that this is an abundantly fit case where there is an element of settlement and the matter requires to be referred for Mediation in exercise of authority under Section 89 of the C.P.C. Therefore, we direct the parties to remain present before this Court on 09th January, 2018 to have the case referred to the High Court Mediation Center.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sanjay Agrawal)
Judge