

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCC No. 476 of 2017

- Madhusudan Pathak S/o Late Govind Prasad Pathak, Aged About 65 Years R/o Village Salikjhitiya, Post Arjuni, Tahsil Dongargaon, District Rajnandgaon, Chhattisgarh, Through: Special Attorney Vijendra Pathak, S/o Madhusudan Pathak (Advocate), Aged About 27 Years, R/o Village Salikjhitiya, Post Arjuni, Tahsil Dongargaon, Civil And Revenue District Rajnandgaon, Chhattisgarh(Plaintiff)

---- Petitioner

Versus

1. Dr. Vidyavilas Shrivastava President, Management Committee, Baba Mathuradas Bajrangbali Mandir, Kopedih (Bhanpuri), R/o Village & Post Tumdibod, Tahsil Dongargaon, District Rajnandgaon, Chhattisgarh
2. The District Collector, Rajnandgaon, Petron: Baba Mathuradas Bajrangdali, Tahsil Dongargaon, District Rajnandgaon, Chhattisgarh(Defendants)

---- Respondent

For Applicant	Shri Sunil Sahu, Advocate
For Respondent/State	Shri Sameer Behar, P.L.

Hon'ble Shri Justice Prashant Kumar Mishra
Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

19/09/2017

1. This is an application under Order 44 Rule 1 CPC for permission to sue as an indigent person.
2. The appeal has been preferred through Power of Attorney Holder Shri Vijendra Pathak, who happens to be the son of the appellant.

3. In view of observation made by the Supreme Court in Para 17 of the judgment rendered in the matter of **Mathai M. Paikeday Vs. C.K. Antony**, reported in **(2011) 13 SCC, 174**, that where two people are living together and functioning as an economic unit whether married, related or otherwise, consideration of their joint financial assets may be warranted for the purposes of determining a party's indigency status in a civil proceeding. This Court directed the appellant's attorney holder to submit his financial status in the form indicated in our order dated 16.08.2017.
4. The attorney holder has filed documents in form of PAN Card, Voter Identity Card, Aadhar Card, statement of accounts of his bank accounts and income tax returns as also the details of immovable property. It is gathered from the documents that the appellant's son i.e. the attorney holder living jointly with the appellant has assets both movable and immovable. He has more than 5 Lakh rupees in different bank accounts and is an income tax payee. He also owns a house which is gifted to him by his father i.e. the appellant.
5. Considering the extent of assets owned by the appellant's son, who jointly resides with him, it appears that the appellant is possessed of sufficient means through which

the court fee can be paid by him.

6. We are not satisfied that the appellant is an indigent person, therefore, the prayer to sue as an indigent person deserves to be and is hereby rejected.

7. The appellant may pay the court fee within a month to maintain the first appeal, if he so desires.

8. The MCC is dismissed.

Sd/-

Sd/-

Judge

Judge

Prashant Kumar Mishra

Arvind Singh Chandel

Akhilesh