

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCC No. 787 of 2016

- Jamaluddin (Wrongly mentioned as Jalaluddin) Son of Kamruddin, Aged about 60 Years, R/o Chorbhatti, Tahsil - Takhatpur, District Bilaspur (Chhattisgarh)

---- Applicant

Versus

1. Dean C I M S, Main Road, Sadar Bazar, District- Bilaspur (Chhattisgarh)
2. The Collector, President, Patient Welfare Committee, District Hospital (C I M S), Bilaspur, Collectorate Complex, Bilaspur (Chhattisgarh)
3. The Director, Directorate Health Services, Old Nurses Hostel, D.K.S. Bhawan Complex, Raipur (Chhattisgarh)
4. The Superintendent, C I M S, Main Road Sadar Bazar, District Bilaspur (Chhattisgarh)
5. Dr. A.P.Roy, R/o Saraswati Nagar, Doctor Colony, Near Siddhi Vinayak Bhawan, Bilaspur (Chhattisgarh)
6. Dr. Anil Mokasadar, R/o Behind Chhattisgarh Bhawan, Tikaknagar, Bilaspur (Chhattisgarh)(Defendants)

---- Non-applicants

For Applicant : Shri Goutam Khetrapal, Advocate
For Non-applicants : Shri Ramakant Mishra, Dy. A.G.

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

Order on Board By

Prashant Kumar Mishra, J.

31-08-2017

1. This MCC is an application under Order 44 Rule 1 read with Order 33 Rule 1 of the Code of Civil Procedure (For short 'C.P.C.') for permission to sue in '*forma pauperis*'. The applicant/plaintiff was also permitted by the trial Court to sue as a '*pauper*'. An affidavit has been filed in support of this

application that after rendering of judgment by the trial Court, the financial condition of the applicant has not improved and he still remains an indigent person.

2. In course of enquiry under Order 33 Rule 3 of CPC statement of the applicant has been recorded wherein he has stated that he has no source of income and is earning livelihood by working as a labourer. The concerned Tahsildar has submitted the applicant's income certificate certifying that his annual income is about Rs.50,000/-.
3. Considering that the applicant was also allowed by the trial Court to sue as an indigent person and his financial condition has not improved, we are of the view that the applicant should be allowed to prefer this appeal as an indigent person.
4. Accordingly, the MCC is allowed and the applicant is permitted to prosecute the First Appeal as an indigent person. Let regular First Appeal be registered and it be placed for admission in the week after next.
5. The affidavit filed by the Collector, Bilaspur is also perused. No further action required in that regard.
6. The MCC stands disposed of.

Sd/-
JUDGE
(Prashant Kumar Mishra)

Sd/-
JUDGE
(Arvind Singh Chandel)