

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Civil Case No.899 of 2015**

- Indra Kumar Manhar S/o Maan Prakash Manhar, Aged About 25 Years Caste- Satnami, R/o Village Kaanharkapa, Tehsil Patharia, Civil & Revenue District Mungeli, Chhattisgarh (Defendant)

---- Applicant

Versus

- Ranjit Kumar Mahadeva S/o S/o Premlal Mahadeva, Aged About 30 Years Caste- Satnami, R/o Chanadongri, Tehsil Takhatpur, Civil & Revenue District Bilaspur, Chhattisgarh (Plaintiff)

---- Respondent

For applicant	: Shri Alok Nigam, Advocate.
For respondent	: Amit Kumar, Advocate.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****08.02.2017**

Heard on instant MCC which has been preferred under Order 44 Rule 1 of the CPC for exemption from paying Court fee as the applicant is an indigent person.

2. Perused the report of Collector dated 03.10.2016 regarding indigency of the present applicant. In brief, as per the said report, the applicant is not having any house, movable or immovable property, he is earning his bread and maintaining his family by doing labour work outside the State. It is also submitted that annual income of the applicant is approximately Rs.55,000/- and his economic condition is not good.

3. After perusal of the entire report, it appears that the applicant is an indigent person as defined under Order 33 Rule 1 CPC. The applicant was defendant before the trial Court, with this, he has no occasion to pay court fee as he was answering party.

4. On due consideration of the application of the applicant to allow him to prosecute the first appeal as an indigent person is hereby allowed. The applicant is permitted to sue the matter as an indigent person against the respondent. It is further observed that if anything contrary to the report of indigency of the applicant is surfaced at subsequent stage, the court may direct to deposit the Court fee as per the provisions of law.

5. Registry is directed to register the matter under the head of First Appeal.

6. Also heard on the question of admission.

7. Perused the impugned judgment and decree and the instant First Appeal.

8. On perusal of the matter, the appeal is not liable for dismissal under Order 41 Rule 11 CPC. The appeal appears to be arguable.

9. The appeal is admitted for consideration.

10. 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. 8th

Additional District Judge, Bilaspur in accordance with order 41 Rule 14 of the CPC.

11. The appellants are directed to furnish security of Rs.5,000/- before the Court of first instance for the cost of this appeal and the cost of the Court below within a period of one month in accordance with Order 41 Rule 10 CPC.

12. Registry is directed to requisite the record of the trial Court immediately through usual and fax mode.

13. List this matter for hearing on IA No.01/15 for staying the effect and operation of judgment and decree passed by the Court below after two weeks.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE