

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.09.2017

CORAM

THE HONOURABLE MR. JUSTICE R.SUBRAMANIAN

C.M.A.No.2025 of 2016

and

C.M.P.Nos.14780 & 18399 of 2016

1.E.Usharani

2.E.Valarmathi

.. Appellants/Petitioners

.. Vs..

1. Thiru.S.Viswanathan  
Principal Director,  
National Power Training Institute  
(Southern Region),  
NPTI SR Block-14,  
Neyveli-607 803.

2. Principal Director,  
National Power Training Institute  
(Southern Region),  
NPTI SR Block-14,  
Neyveli-607 803.

3. The Director General,  
National Power Training Institution,  
NPTI Complex,  
Sector-33,  
Faridabad-121003,  
Haryana.

4. The Director,  
Apollo Hospital,  
No.21, Greams Road,  
Chennai-6.

5. E.Rajarajan

.. Respondents/Respondents

Respondents 4 & 5 are given up  
as they remained exparte.

PRAYER:- Appeal filed under Order 43 rule 1 of the Code of Civil Procedure, to set aside the judgement and decree dt.30.06.2016 passed in POP No.84 of 2015 on the file of Principal District Court, Cuddalore.

For Appellants : Mrs.R.Meenal

For RR 1 to 3 : Mr.M.T.Arunan

Mr.M.Venugopal  
Special Government Pleader (CS)  
on notice from Court

#### JUDGEMENT

This appeal has been filed against an order dismissing the application filed by the petitioners/appellants seeking to file the suit as indigent persons.

2. The application was dismissed by the trial Court, on the ground that the deceased husband of the 1<sup>st</sup> appellant was in possession of immovable properties and that the retirement benefits about nearly 15,00,000/- [Rupees Fifteen Lakhs Only] was paid to them by the National Power Training Institute. Though, the said payment was made after the filing of the application, the same has been taken into account. Since, the main ground of challenge in this appeal was that the trial Court has not followed the procedure by issuing a notice to the District Collector, before deciding the question of pauperism, notice was ordered to the Tahsildar, Kurinjipadi. In response the Tahsildar, Kurinjipadi has filed a report through the Government Pleader, where in it is stated that the the 1<sup>st</sup> appellant has received a sum of Rs.15,79,848/- [Rupees Fifteen Lakhs Seventy Nine Thousand Eight Hundred and Forty Eight Only] towards the death benefits of her husband. It is also stated that in the said report, that the daughter (2<sup>nd</sup> appellant) and the son of the 1<sup>st</sup> appellant are well qualified, i.e, the 2<sup>nd</sup> appellant/daughter is a graduate while the son has a Master's degree in Engineering and that they are gainfully employed in Government and Private Sector. It is also stated that the appellants own a housing plot measuring 3000 sq.ft. in Kirumambakkam in Puducherry which has been suppressed by the appellants.

3. Therefore, I do not think this is a fit case, where the order of the trial Court dismissing the application for permission to sue as an indigent person is to be interfered with. Hence, the appeal is dismissed No costs. Consequently, the connected miscellaneous petitions are closed.

4. Mrs.R.Meenal, learned counsel appearing for the appellants would seek time for payment of Court fee. Considering the fact that the Court Fee payable is about 3,00,000/-. Three months time is granted for payment of Court fee.

Sd/-  
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

KP

To

1. The Principal District Judge  
Principal District Court,  
Cuddalore,
2. The Section Officer,  
V.R.Section,  
High Court,Madras.

+1cc to Mrs.R.Meenal, Advocate, S.R.No.68279

+1cc to Mr.M.T.Arunan, Advocate, S.R.No.68822

+1cc to the Special Government Pleader, S.R.No.67976

C.M.A.No.2025 of 2016

EV(CO)  
CS/27/11/17

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