



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Thursday, the Sixteenth day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMP(MD) No.7692 of 2017
IN
CROS.OBJ(MD) No.SR27786 of 2017

K.SENTRAYAN

... PETITIONER/CROSS OBJECTIOR/
PLAINTIFF

Vs

1 THE ASSISTANT MANAGER
TNEB, MELUR MAIN ROAD, NARASINGAMPATTI,
MADURAI DISTRICT ,
MADURAI.

... 1st RESPONDENT/APELLANT/2nd DEFENDANT

2 G.VELLAICHAMY

3 THR DISTRICT COLLECTOR
MADURAI DISTRICT,
MADURAI.

... RESPONDENTS 2 & 3/RESPONDENTS 2 & 3/
1st & 3rd DEFENDANTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to pass an order to permit the petitioner / cross objector to prefer this cross objection as an indigent person.

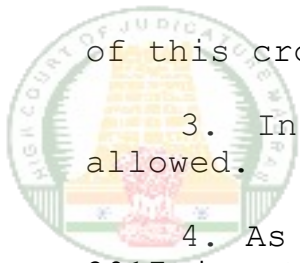
PRAYER IN CROS.OBJ(MD) No.SR27786 of 2017:-

to set aside the judgment and decree with regard to the Clause 2 & 4 of the operative clause of the decree dated 26.02.2016 passed in O.S.No.160/2013 on the file of the I Additional District Court, Madurai by allowing this cross objection.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.K.SURESH KUMAR, Advocate for the petitioner and the court made the following order:-

This petition is to permit the petitioner/cross objector to prefer this cross objection as an indigent person.

2. Learned counsel for the petitioner submits that the lower Court has already declared the petitioner as indigent person in P.P.P.No.1/2011 on the file of Principle District Court, Madurai, dated 21.08.2003, against which, no appeal has been filed. Therefore, it is submitted that the petitioner may be permitted to pay court fee on realization of entire decree amount after disposal



of this cross objection and the appeal in A.S.No.58 of 2017.

3. In the light of the above submission, this petition is allowed.

4. As per the order dated 25.04.2017 made in CMP(MD)No.3813 of 2017 in AS(MD)No.58 of 2017, the petitioner herein was permitted to withdraw Rs.2,50,000/- on proper acknowledgment and identification. When the petitioner sought permission of this Court to withdraw the balance amount, this Court by order dated 27.06.2017 directed that if the petitioner herein wants to withdraw the balance amount, he may approach this Court by filing an affidavit giving financial necessity.

5. Learned counsel for the 1st respondent seeks time to file counter affidavit. Post the matter on 06.12.2017.

sd/-
16/11/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE 1st ADDITIONAL DISTRICT JUDGE,
MADURAI

JAM/23/11.17/CM-VR/SAR 3/ 2p-2c

ORDER
IN
CMP(MD) No.7692 of 2017
IN
CROS.OBJ(MD) No.SR27786 of 2017
Date :16/11/2017