

THE HON'BLE SRI JUSTICE SANJAY KUMAR
CIVIL REVISION PETITION No. 3375 of 2017

ORDER:

This civil revision petition under Article 227 of the Constitution arises out of the order dated 24.04.2017 passed by the learned Principal District Judge, Ranga Reddy District, in I.A.No.939 of 2017 in M.V.O.P (SR) No.6700 of 2017.

The said I.A. was filed by the petitioners herein under Rule 475(2) of the Andhra Pradesh Motor Vehicle Rules, 1989, to permit them to pay the requisite Court-fees of Rs.2,89,360/- only before taking a copy of the judgment. By the order under revision, the trial Court opined that as the petitioners were seeking compensation to the tune of Rs.2,90,00,000/-, it would suffice to direct them to pay half the Court-fees, permitting them to pay the balance Court-fees prior to issuance of the decree.

Sri Sricharan Telaprolu, learned counsel for the petitioners, would contend that the petitioners are in a state of penury and would be unable to pay even 50% of the Court-fees. It is however admitted by the learned counsel that petitioners 1 and 2 are practicing Advocates and that their elder son, before his expiry, was gainfully employed and drawing an annual salary of nearly Rs.15,00,000/-.

Payment of Court-fees is ordinarily a condition precedent for a litigant to avail use of the judicial process. The system cannot function if litigants are allowed to pay Court-fees only after securing a decree in their favour. Charitable considerations would therefore have to be weighed as against practicality.

Insofar as the order under revision is concerned, this Court finds that the trial Court exercised its discretion judiciously and the same does not warrant interference.

The civil revision petition is accordingly dismissed. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

JUSTICE SANJAY KUMAR

Date:28.7.2017
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