

HIGH COURT OF CHHATTISGARH, BILASPUR

MCC No. 255 of 2018

- Chhattisgarh Gadiwan Hamal Reja Mazdoor Mahasangh A Registered Trade Union, Registration No. 3314, Through Its President, Chhattisgarh Gadiwan Hamal Reja Mazdoor Mahasangh, Main Office At Station Road, Mahasamund, District- Mahasamund, Chhattisgarh.,

---- Applicant

Versus

- Food Corporation Of India through Its Regional Manager, District-Office Food Corporation Of India, Vidhan Sabha Road, Kapa, Raipur, Chhattisgarh.
- State Of Chhattisgarh, Through The Collector, Mahasamund, Chhattisgarh.

---- Respondents

For Applicant	:	Shri H.S. Ahluwlia, Advocate.
For Respondent No.1	:	Shri B.P. Gupta, Advocate.
For Respondent/State	:	Shri Adil Minhaj, Panel Lawyer.

Hon'ble Shri Justice Manindra Mohan Shrivastava
Hon'ble Smt. Justice Rajani Dubey

Order on Board by Manindra Mohan Shrivastava,J.

10/07/2018

Heard on prayer for grant of permission to file the appeal as indigent person. The learned counsel have submitted that the applicant assessee is an association of Hamal, Reja, Mazdoor working as laborers. They have formed an association which is not having sufficient income to pay the huge amount of court fee of Rs. 6,57,112/-. Along with the application, the details showing in the funds of the association have also been disclosed which shows that the fund available with association is a meager amount.

Learned counsel for the respondent opposed the prayer and submits that the applicant having capacity to collect the money are required to pay court fee as the members receive income for the work done and therefore it can not be said that there is no sufficient amount to pay the court fee.

In view of the Supreme Court decision in the matter of **Union**

Bank of India Vs. Khader International Construction and Others
reported in 2001(4)SCC 573, If a person seek permission to file
appeal as an association he can file and seek permission to appear as
indigent person.

Applicant is a registered association of Hamal Reja and
Mazdoor Sangh. The total fund available in the account of the
association to shown to be Rs.1,19,669/-.

Though respondent received notice but till date no material has
been placed before us to show availability of that the funds of Lacs of
rupees. The prayer for permission to file the appeal as indigent person,
respondent has been granted a decree of Rs. 1,99,09,788/- against the
association and it would be in the interest of justice to permit the
applicant to file appeal as an indigent person.

The application is allowed. Appeal be accordingly registered.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Rajani Dubey)
Judge