

HIGH COURT OF CHHATTISGARH, BILASPUR**MCC No. 348 of 2019**

1. Keja Bai W/o Late Harishchand Dhruv Aged About 39 Years R/o Village Hirni, Tahsil Simga, District Balodabazar- Bhatapara Chhattisgarh.
2. Dhan Singh S/o Late Harishchand Dhruv Aged About 21 Years R/o Village Hirni, Tahsil Simga, District Balodabazar- Bhatapara Chhattisgarh.
3. Minor Dheeraj Kumar S/o Late Harishchand Dhruv Aged About 15 Years Minor Through Natural Guardian Mother Keja Bai W/o Late Harishchand Dhruv, R/o Village Hirni, Tahsil Simga, District Balodabazar- Bhatapara Chhattisgarh.
4. Minor Veena D/o Late Harishchand Dhruv Aged About 12 Years Minor Through Natural Guardian Mother Keja Bai W/o Late Harishchand Dhruv, R/o Village Hirni, Tahsil Simga, District Balodabazar- Bhatapara Chhattisgarh.
5. Minor Lalit Kumar S/o Late Harishchand Dhruv Aged About 10 Years Minor Through Natural Guardian Mother Keja Bai W/o Late Harishchand Dhruv, R/o Village Hirni, Tahsil Simga, District Balodabazar- Bhatapara Chhattisgarh.

---- Petitioners**Versus**

- Ultratech Cement Limited (Hirni Cement Plant) Hirni Tahsil Simga, District Balodabazar- Bhatapara Chhattisgarh, Predecessor Company Larson And Tubro Limited (Hirni Cement Plant), Through Manager And Authorized Officer Sandeep Pandey, Aged About 50 Years Ultratech Cement Hirni, Tahsil Simga, District Balodabazar - Bhatapara Chhattisgarh.,
- 2. State of Chhattisgarh Through The Collector, Balodabazar- Bhatapara Chhattisgarh.

---- Respondents**MCC No. 349 of 2019**

1. Keja Bai W/o Late Harishchand Dhruv Aged About 39 Years R/o Village- Hirni, Tahsil- Simga, District- Balodabazar- Bhatapara, Chhattisgarh.
2. Dhan Singh S/o Late Harishchand Dhruv Aged About 21 Years R/o Village- Hirni, Tahsil- Simga, District- Balodabazar- Bhatapara, Chhattisgarh.
3. Minor Dheeraj Kumar S/o Late Harishchand Dhruv Aged About 15 Years Through Natural Guardian Mother Keja Bai W/o Late Harishchand Dhruv, R/o Village- Hirni, Tahsil- Simga, District- Balodabazar- Bhatapara, Chhattisgarh.
4. Minor Veena D/o Late Harishchand Dhruv Aged About 12 Years Through Natural Guardian Mother Keja Bai W/o Late Harishchand Dhruv, R/o Village- Hirni, Tahsil- Simga, District- Balodabazar- Bhatapara, Chhattisgarh
5. Minor Lalit Kumar S/o Late Harishchand Dhruv Aged About 10 Years Through Natural Guardian Mother Keja Bai W/o Late Harishchand Dhruv, R/o Village- Hirni, Tahsil- Simga, District- Balodabazar- Bhatapara, Chhattisgarh.

---- Petitioners

Versus

- Ultratech Cement Limited(Hirmi Cement Plant) Through Hirmi, Tahsil- Simga, District- Balodabazar- Bhatapara, Predecessor Company Larson And Turbo Limited (Hirmi Cement Plant), Through Manager And Authorized Officer Sandeep Pandey, Aged About 50 Years, Altratech Cement Hirmi, Tahsil- Simga, District- Balodabazar- Bhatapara, Chhattisgarh.
- 2. State Of Chhattisgarh Through The Collector, Balodabazar- Bhatapara, Chhattisgarh.

---- Respondents

MCC No. 350 of 2019

1. Keja Bai W/o Late Harishchand Dhruv Aged About 39 Years R/o Village Hirmi, Tahsil Simga, District Balodabazar-Bhatapara Chhattisgarh.
2. Dhan Singh S/o Late Harishchand Dhruv Aged About 21 Years R/o Village Hirmi, Tahsil Simga, District Balodabazar-Bhatapara Chhattisgarh.
3. Minor Dheeraj Kumar S/o Late Harishchand Dhruv Aged About 15 Years Minor Through Natural Guardian Mother Keja Bai W/o Late Harishchand Dhruv, R/o Village Hirmi, Tahsil Simga, District Balodabazar-Bhatapara Chhattisgarh.
4. Minor Veena D/o Late Harishchand Dhruv Aged About 12 Years Minor Through Natural Guardian Mother Keja Bai W/o Late Harishchand Dhruv, R/o Village Hirmi, Tahsil Simga, District Balodabazar-Bhatapara Chhattisgarh.
5. Minor Lalit Kumar S/o Late Harishchand Dhruv Aged About 10 Years Minor Through Natural Guardian Mother Keja Bai W/o Late Harishchand Dhruv, R/o Village Hirmi, Tahsil Simga, District Balodabazar-Bhatapara Chhattisgarh.

---- Petitioners

Versus

1. Ultratech Cement Limited (Hirmi Cement Plant) Hirmi Tahsil Simga, District Balodabazar-Bhatapara Chhattisgarh., Predecessor Company Larson And Tubro Limited (Hirmi Cement Plant), Through Manager And Authorized Officer Sandeep Pandey, Aged About 50 Years, Altratech Cement Hirmi, Tahsil Simga, District Balodabazar-Bhatapara Chhattisgarh.
2. State Of Chhattisgarh Through The Collector, Balodabazar-Bhatapara Chhattisgarh.

---- Respondents

MCC No. 352 of 2019

1. Keja Bai W/o Late Harishchand Dhruv Aged About 39 Years R/o Village Hirmi, Tahsil Simga, District Balodabazar Bhatapara, Chhattisgarh.
2. Dhan Singh S/o Late Harishchand Dhruv Aged About 21 Years R/o Village Hirmi, Tahsil Simga, District Balodabazar Bhatapara, Chhattisgarh.
3. Minor Dheeraj Kumar S/o Late Harishchand Dhruv Aged About 15 Years Minor Through Natural Gaurdian Mother Keja Bai W/o Late Harishchand Dhruv R/o Village Hirmi, Tahsil Simga, District Balodabazar Bhatapara, Chhattisgarh.

4. Minor Veena D/o Late Harishchand Dhruv Aged About 12 Years Minor Through Natural Gaurdian Mother Keja Bai W/o Late Harishchand Dhruv R/o Village Hirni, Tahsil Simga, District Balodabazar Bhatapara, Chhattisgarh.
5. Minor Lalit Kumar S/o Late Harishchand Dhruv Aged About 10 Years Minor Through Natural Gaurdian Mother Keja Bai W/o Late Harishchand Dhruv R/o Village Hirni, Tahsil Simga, District Balodabazar Bhatapara, Chhattisgarh.

---- Petitioners

Versus

1. Ultratech Cement Limited (Hrimi Cement Plant) Hrimi Tahsil Simga District Balodabazar Bhatapara, Chhattisgarh. Predecessor Company Larson And Authorised Officer Sandeep Pandey Aged About 50 Years Altratech Cement Hirni Tahsil Simga, District Balodabazar Bhatapara Chhattisgarh.
2. State Of Chhattisgarh Through The Collector, Balodabazar Bhatapara Chhattisgarh.

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MCC No. 357 of 2019

1. Keja Bai W/o Late Harishchand Dhruv Aged About 39 Years R/o Village Hirni, Tahsil Simga, District- Balodabazar-Bhatapara, Chhattisgarh.
2. Dhan Singh S/o Late Harishchand Dhruv Aged About 21 Years R/o Village Hirni, Tahsil Simga, District- Balodabazar-Bhatapara, Chhattisgarh.
3. Minor Dheeraj Kumar S/o Late Harishchand Dhruv Aged About 15 Years Through Natural Guardian Mother Keja Bai W/o Late Harishchand Dhruv, R/o Village Hirni, Tahsil Simga, District- Balodabazar-Bhatapara, Chhattisgarh.
4. Minor Veena D/o Late Harishchand Dhruv Aged About 12 Years Through Natural Guardian Mother Keja Bai W/o Late Harishchand Dhruv, R/o Village Hirni, Tahsil Simga, District- Balodabazar-Bhatapara, Chhattisgarh.
5. Minor Lalit Kumar S/o Late Harishchand Dhruv Aged About 10 Years Through Natural Guardian Mother Keja Bai W/o Late Harishchand Dhruv, R/o Village Hirni, Tahsil Simga, District- Balodabazar-Bhatapara, Chhattisgarh

---- Petitioners

Versus

1. Ultratech Cement Limited (Hirmi Cement Plant) Hirni Tahsil Simga, District- Balodabazar-Bhatapara, C.G., Predecessor Company Larson And Tubro Limited (Hirmi Cement Plant), Through Manager And Authorized Officer Sandeep Pandey, Aged About 50 Years, Altratech Cement Hirni, Tahsil Simga, District- Balodabazar-Bhatapara, Chhattisgarh
2. State Of Chhattisgarh Through The Collector, Balodabazar-Bhatapara, Chhattisgarh.

---- Respondents

MCC No. 358 of 2019

1. Keja Bai W/o Late Harishchand Dhruv Aged About 39 Years R/o Village Hirmi, Tahsil Simga, District Balodabazar - Bhatapara Chhattisgarh.
2. Dhan Singh S/o Late Harishchand Dhruv Aged About 21 Years R/o Village Hirmi, Tahsil Simga, District Balodabazar - Bhatapara Chhattisgarh.
3. Minor Dheeraj Kumar S/o Late Harishchand Dhruv, Aged About 15 Years Minor, Through Natural Guardian Mother Keja Bai W/o Late Harishchand Dhruv, R/o Village Hirmi, Tahsil Simga, District Balodabazar - Bhatapara Chhattisgarh.
4. Minor Veena D/o Late Harishchand Dhruv, Aged About 12 Years Minor, Through Natural Guardian Mother Keja Bai W/o Late Harishchand Dhruv, R/o Village Hirmi, Tahsil Simga, District Balodabazar - Bhatapara Chhattisgarh.
5. Minor Lalit Kumar S/o Late Harishchand Dhruv, Aged About 10 Years Minor, Through Natural Guardian Mother Keja Bai W/o Late Harishchand Dhruv, R/o Village Hirmi, Tahsil Simga, District Balodabazar - Bhatapara Chhattisgarh

---- Petitioners**Versus**

1. Ultratech Cement Limited, (Hirmi Cement Plant) , Hirmi Tahsil Simga, District Balodabazar - Bhatapara Chhattisgarh., Predecessor Company Larson And Tubro Limited (Hirmi Cement Plant) Through Manager And Authorized Officer Sandeep Pandey, Aged About 50 Years, Altratech Cement Hirmi, Tahsil Simga District Balodabazar - Bhatapara Chhattisgarh.
2. State Of Chhattisgarh, Through The Collector, Balodabazar - Bhatapara Chhattisgarh.

---- Respondents

For Petitioners	:	Shri N.K. Chaterjee and Shri Nasimuddin Ansari, Advocates
For Respondent No.1	:	Shri B.D. Guru, Advocate
For Respondent No.2/State	:	Shri Gagan Tiwari, Dy. Govt. Advocate

Hon'ble Shri P.R. Ramachandra Menon, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board**Per, P.R. Ramachandra Menon, Chief Justice****20/11/2019**

1. The Petitioners in this cases have come up with a plea that they are not at all in a position to raise adequate Court fees to challenge the decree passed against them by the Civil Court and that they might be permitted to pursue the appeals as indigent persons in terms of Order 44 Rule 1 of the CPC.

2. When the matters came for consideration before this Court, the District Collector was required to conduct an enquiry and to file a report as to the means / financial status of the parties concerned. The prayer was opposed on the part of the 1st Respondent by filing an affidavit. The Collector has now filed a report, the operative portion of which in paragraph 10 is as follows :

“10. Smt. Kejabai has stated in her statement that she does labour work in village – Hirmi, by which she earns Rs. 1000 to 2000 monthly. In addition to this, she gets income of Rs.37,000/- per annum from land of joint family situated at village – Hirmi and from the land of land owner Shri Dhansingh situated at village – Bardih. Except these, she is not having any source of income. She says that son Shri Dheeraj, Shri Lalit & daughter Veena depend on her. According to Income Certificate Number 2018-19-030210 issued in year 2018 in the name of Kejabai Dhruw, her yearly income is Rs. 50,000.00. According to Income Certificate Number 2019-19-005487 issued in the year 2019 in the name of Dhansingh Dhru, his yearly income is Rs. 50,000.00, remaining three Shri Dhiraj Kumar, Shri Lalit and Ku. Veena depends on her mother Smt. Kejabai.”

3. After hearing both the sides and after going through the report of the Collector, we hold that the Petitioners have made out a case to have the liberty granted to pursue the appeals as indigent persons.
4. In the said circumstances, the aforesaid MCCs stand allowed. The proceedings shall be numbered by the Registry properly with necessary endorsements as to the course and events. Post after 10 days.

Sd/-
(P.R. Ramachandra Menon)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge