



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.07.2019
(Reserved on 17.06.2019)

WEB COPY

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CMA(MD) No.157 of 2019

R.Matheswaran

... Appellant/Petitioner

vs.

1)V.Srinivasan

2)S.Lakshmi Prabha

3)The State of Tamil Nadu,
rep. by its District Collector,
Tiruchirappalli.

4)The Sub Registrar,
Srirangam.

... Respondents/Respondents

Appeal filed under Order 43 Rule 1 of the Code of Civil Procedure, 1908, against the fair and decretal order dated 19.02.2015 made in indigent O.P.No.1 of 2014 by the learned Principal District Judge, Tiruchirappalli.

For Appellant	: Mr.K.S.Vamsidhar
For R1 & R2	: Mr.A.Chandrakumar
For R3 & R4	: Mr.J.Gunaseelan Muthiah
	Government Advocate

JUDGMENT

The application filed by the plaintiff/ who filed the suit *in forma pauperis* in O.P.No.1/2014 alleging that the plaintiff has no means to pay the court fee, was dismissed by the lower court and as against which, the present CMA has been filed.

2.The claim of the plaintiff is that he has to pay the court fee of Rs.7,12,647.50/- and as his earning is only Rs.10,000/- per month, he is not able to pay the court fee.

3.The respondents 1 and 2/defendants 1 and 2 contended that the petitioner's father had entered into a sale agreement and the petitioner has received a sum of Rs.10,00,000/- as advance and therefore, the petitioner has adequate means to pay the court fee.



It is also contended by the respondents 1 and 2 that the petitioner during evidence, has deposed that on 07.06.2013, he has received an advance amount of Rs.10,00,000/- for selling the property.

4. The Court below has specifically pointed out that the petitioner has not given any details as to the utilisation of the amount of Rs.10,00,000/-. It is not the case of the plaintiff/petitioner that he has already spent a sum of Rs.10,00,000/- and therefore, he has no money to pay the court fee. The court has rightly considered the circumstances and has held that the plaintiff has to pay the court fee. This Court does not find any infirmity in the order passed by the court below and therefore, the revision petition is liable to be dismissed and dismissed accordingly. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

The Principal District Judge,
Tiruchirappalli.

+1 CC to Mr.K.S.VAMSIDHAR, Advocate SR-79172.
+1 CC to SPL GP SR-78851.

Judgment in
CMA(MD) No.157 of 2019
30.07.2019

CS(14.08.2019) 2P 4C