



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

Wednesday, the Second day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMP(MD) No.2173 of 2017

IN

CMA(MD) No.SR34315 of 2015

R.MATHESWARAN

... PETITIONER/APPELLANT

Vs

1 V.SRINIVASAN

2 S.LAKSHMI PRABHA

3 THE STATE OF TAMILNADU,
REP.BY ITS DISTRICT COLLECTOR,
TRICHY.

4 THE SUB REGISTRAR,
SRIRANGAM.

... RESPONDENTS/RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to permit the petitioner to present this appeal in forma pauperis, that is, as an indigent person.

PRAYER IN C.M.A.(MD)No.SR34315 of 2015:

To allow the Civil Miscellaneous appeal, set aside the fair and decretal orders of the Principal District Judge, Tiruchirapalli, dated 19.02.2015, made in Indigent O.P.No.1 of 2014, dismissing the suit petition by the petitioner and permit the appellant to present the suit in forma pauperis, that is permit the appellant to present the suit as an indigent person and thus render justice.

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.S.VAMSIDHAR, Advocate for the petitioner and of MR.M.MURUGAN, Government Advocate for R3 & R4, and the Respondents 1 & 2 not appeared either in person or by an Advocate, the court made the following order:-

C.M.P.(MD)No.2173 of 2017 has been filed by the petitioner to permit him to file the above civil miscellaneous appeal in forma pauperis, ie., as an indigent person, since he is not having any wherewithal to pay the Court fee.



2. It is seen that the petitioner herein has filed Indigent O.P.No.1 of 2014 before the Principal District Court, Tiruchirappalli, to permit him to file a suit challenging the sale agreements as *in forma pauperis*. The said OP was dismissed vide order dated 19.02.2015 and hence, the petitioner is before this Court.

3. When the matter came up for hearing on 24.10.2018, this Court has directed the official respondents, viz., respondents 3 & 4 to file a report as to the status of the petitioner. Thereafter, when the matter was taken up for hearing on 19.12.2018, the learned Government Advocate has produced a letter of the fourth respondent, addressed to him, dated 12.11.2018, stating that the petitioner does not possess any property. But, there was no representation on behalf of respondents 1 & 2 on the said date and therefore, the matter was adjourned to 02.01.2019 (today).

4. Even today, there is no representation for respondents 1 & 2, though notice was served and vakalath has also been filed, on their behalf, by a Counsel, namely, M/s.A.Chandirakumar.

5. Under the above circumstances and also taking note of the letter of the fourth respondent dated 12.11.2018, addressed to the learned Government Advocate, this Court is inclined to permit the petitioner to file the present appeal as an indigent person and the present civil miscellaneous petition is accordingly, ordered.

sd/-
02/01/2019

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

TO

THE PRINCIPAL DISTRICT JUDGE, TRICHY.

ORDER
IN
CMP(MD) No.2173 of 2017
IN
CMA(MD) No.SR34315 of 2015
Date :02/01/2019

gk
PK/JC/SAR-1/30.01.2019 : 2P/2C