



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19..02..2020

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Civil Revision Petition No.2914 of 2015

1.Selvi
2.Miss.Nethiya

... Petitioners /Appellants/Petitioners

-Versus-

The Superintendent Engineer,
TNEB,
East Shanmugapuram,
Villupuram.

... Respondent /Respondent/Respondent

Petition filed under Section 115 of CPC praying to set aside the order and decretal order dated 14.07.2014 in I.A.No.164 of 2013 in Unnumbered A.S.No.Nil of 2013 on the file of the learned Principal District Judge, Villupuram.

For Petitioners	: Mr.s.Kalyanaraman
For Respondent	: Mr.V.Viswanathan

ORDER

This revision petition has been filed against the order dated 14.07.2014 passed by the learned Principal District Judge, Villupuram in I.A.No.164 of 2013 in Unnumbered Appeal Suit of 2013 refusing to grant permission to the petitioners to prefer appeal as indigent person.

2. The petitioners had filed the suit in O.S.No.204 of 2010 on the file of the learned II Addl. Sub Judge, Villupuram for compensation as indigent person which was dismissed for non joint of necessary parties. Aggrieved by the same, the petitioners preferred an appeal suit before the learned II Addl. Sub Judge, Villupuram, along with an application seeking permission to prefer appeal as indigent person. That application came to be dismissed by the appellate Judge. Challenging the same the petitioners are before this court with the instant revision petition.



3. Heard both sides and also perused the records carefully.

4. The suit itself as filed by the petitioners for compensation for the death of the sons of the petitioners 1 and 2 and brothers of the 3rd petitioner. They were permitted to sue against the respondent as indigent person. When the suit was dismissed for non joinder of necessary parties, the petitioners approached the appellate court seeking permission to prefer appeal as indigent person. When that be so, the appellate court ought to have considered the status of the petitioners instead of dismissing the application on too technical ground. Thus, this court is of the view that the order impugned in this revision is liable to be interfered with.

In the result, this civil revision petition is allowed and the order impugned in this revision is set aside and the application in I.A.No.204 of 2010 on the file of the learned II Addl. Sub Judge, Villupuram, is allowed and the petitioners are permitted to prefer appeal suit as indigent person. No costs. Consequently, connected CMP is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

kmk
To

1.The Principal District Judge,
Villupuram.

2.The II Additional Subordinate Judge,
Villupuram.

+lcc to M/s.S.Kalyanaraman, Advocate Sr.14473
+lcc to M/s.V.Viswanathan, Advocate Sr.14540

C.R.P.No.2914 of 2015

kj[co]
srg 15/07/2020