

C.M.P. Nos. 6180, 6183 and 6185 of 2020
in
C.M.A.SR. Nos. 27386, 27387 and 27388 of 2020

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S.M.SUBRAMANIAM, J.

The civil miscellaneous petitions are filed to grant exemption of payment of court fee for a sum of Rs.4,623/- in CMA.SR.No.27386 of 2020; to grant exemption of payment of court fee for a sum of Rs.16,148/- in CMA.SR.No.27387 of 2020; to grant exemption of payment of Court fee for a sum of Rs.18,543 in CMA.SR.No.27388 of 2020.

2. The learned counsel appearing on behalf of the petitioners, mainly contended, that the part amount of court fees have already been paid and for payment of balance court fees, the present petitions are filed seeking exemption.

3. Exemption from payment of court fee cannot be a routine affair. Only if the petitioners are able to establish that he /she is unable to pay the court fee then only the Court can grant exemption and not otherwise. The indigence is to be established so as to grant an exemption. In the event of granting an exemption in a routine manner, then exemption will become a rule and the payment of court fee will become an exemption. Such a practice is to be deprecated. The Court must ensure that the court fee is paid in accordance with the statute in force.

3. The power of discretion is exercised in courts judicially so as to ensure that the exemption is granted only to mitigate the injustice, if any occurred. With reference to the indigent circumstances of the petitioners and not otherwise. Thus, the petitioners are bound to establish that they are indigent persons and not in a position to pay court fee and then alone that the petitions can be allowed and in all other circumstances, the petitioners on filing appeals are expected to pay court fee and contest the cases on merits.

4. This being the procedures to be followed, the affidavits filed in support of the miscellaneous petitions are absolutely absence with reference to the indigent circumstance of the petitioners and therefore, this Court is not inclined to consider the petitions to grant exemption. Accordingly, the petitions are devoid of merits and stand dismissed. However, the petitioners are at liberty to pay the balance court fee, within a period of three weeks from the date of receipt of a copy of this order, failing which, the appeals filed in CMA.SR.No.27386 of 2020, CMA.SR.No.27387 of 2020 and CMA.SR.No.27388 of 2020 shall stand rejected at SR stage itself, without reference to the court.

17.03.2020

Maya

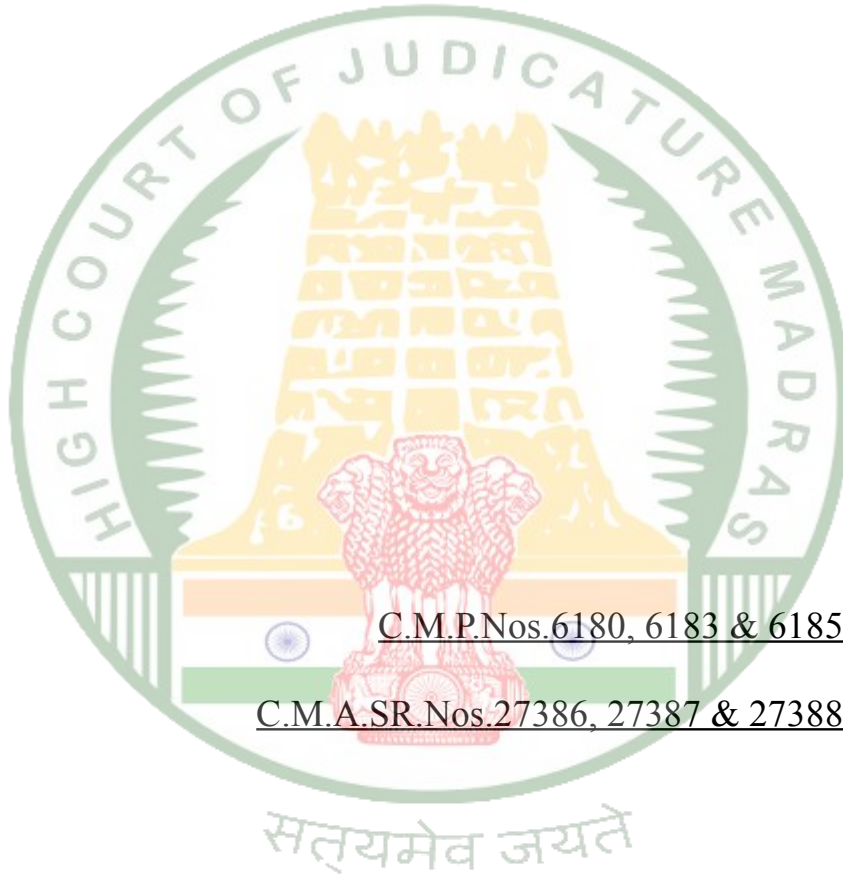
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Dated : 17.03.2020