



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.M.A.No.524 of 2021

C.M.P.No.3349 of 2021

1.Somappan

2.Vasanthan @ Vasanthamani

.. Appellants/Petitioner

vs.

1.P.Pravin

2.E.K.Manoj Kumar

3.B.Suresh Kumar

4.S.Anandan

5.The Sub-Registrar,  
Vadavalli Sub-Registrar Office,  
Vadavalli,  
Coimbatore-641 041.

6.Chinnathadagam Panchayat,  
Rep.by its President,  
Chinnathadagam,  
Coimbatore-641 108.

7.The Regional Deputy Director,  
Town and Country Planning,  
Rep.by its Member Secretary,  
Coimbatore-641 018.

8.Bennet Abraham

9.G.Godwin

10.K.Anandakumar

11.Thandapani

12.Kalaiselvan



13.Selvarani

14.The State of Tamil Nadu,  
Rep.by the District Collector,  
Collectorate Compound,  
Coimbatore-641 018.

.. Respondents/ Respondents

PRAYER : Civil Miscellaneous Appeal filed under Order XLIII Rule 1(na) of C.P.C against the Fair and Final Order dated 25.09.2020 passed by the Principal District Judge, Coimbatore in P.O.P.No.108 of 2015.

For Appellants: Mr.L.Mouli

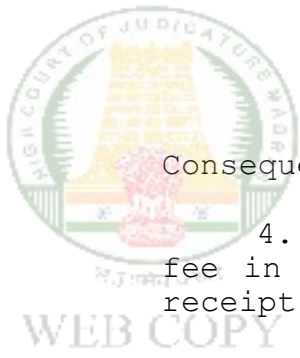
For Respondent: Mr.A.Thiyagarajan for R10

#### O R D E R

The Fair and Decreetal order dated 25.09.2020 passed in P.O.P.No.108 of 2015 is under challenge in the present civil miscellaneous appeal.

2. The plaintiffs are the appellants and the suit was instituted by them for declaration to declare the sale deed as null and void. Along with the suit, the appellants/plaintiffs filed P.O.P.No.108 of 2015 under Order 33 Rule 1 of C.P.C seeking permission of the Court to sue as an indigent person. The trial Court adjudicated the issues with reference to the documents and evidence produced by the respective parties. The findings of the trial Court reveals that the appellants are having some other property and the value of the property per acre is about Rs.8,40,000/-. The said properties situate at Nanjundapuram Village. Therefore, it is possible for the appellants/plaintiffs to pay the court fee. In other words, it cannot be construed they are indigent persons so as to grant permission under Order 33 Rule 1 of C.P.C. This apart, the said property is not the subject matter of the suit instituted by the appellants.

3. This being the factum, the trial Court has rightly considered the issues and rejected the petition. When the appellant is possessing valuable property, mere contention that the property is attached is insufficient to arrive a conclusion that they are indigent persons. Thus, this Court do not find any perversity or infirmity so as to interfere with the findings of the trial Court. Accordingly, the Fair and Decreetal order dated 25.09.2020 passed in P.O.P.No.108 of 2015 stands confirmed and the Civil Miscellaneous Appeal stands dismissed. No costs.



Consequently, connected miscellaneous petition is also closed.

4. The appellants/plaintiffs are permitted to pay the Court fee in the suit within a period of two months from the date of receipt of a copy of this order.

Sd/-  
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ssb

To

Principal District Judge, Coimbatore

+1cc to Mr.L.Mouli, Advocate, S.R.No.11542

+1cc to Mr.A.Thiyagarajan, Advocate, S.R.No.11327

C.M.A.No.524 of 2021

VG II(CO)  
PM/16/09/2021