



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Wednesday, the Fourteenth day of July Two Thousand Twenty One

PRESENT

THE HON'BLE MRS JUSTICE S. KANNAMMAL

CMP No.8508 of 2021
IN CMA.SR.NO.46970 OF 2021

N.PALANISAMY

[PETITIONER]

Vs

1 K.GANESAMOORTHY

[RESPONDENTS]

2 K.BALASUBRAMANI

3 THE REGIONAL GENERAL INSURANCE COMPANY LIMITED,
2ND FLOOR, PLA KANAGU
TOWERS, 15A, II-CROSS, THILLAI NAGAR,
MAIN ROAD, TRICHY TK, TRICHY DISTRICT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to exempt me from paying the balance court fee of Rs.4000/- payable in the above appeal against the award and Decreetal order dated 11/03/2021 passed in MCOP NO.54/2016 on the file of the IV th Additional District and Sessions Judge, Erode at Bhavani at present IN CMP.NO.8508 OF 2021.

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.C.VASUDEVAN, Advocate for the petitioner the court made the following order:-

This petition is filed by the petitioner / appellant / claimant seeking exemption from payment of Court fee of Rs.4,000/-.

2. Heard the learned counsel for the petitioner.

3. It is seen from the affidavit filed in support of this petition that vide order dated 11.03.2021, the Tribunal has awarded a total compensation of Rs.25,000/- for the injuries sustained by the petitioner, in an accident that had occurred on 27.10.2015; though the Tribunal has directed the third respondent / Insurance Company to deposit the award amount with interest and costs within a period of 30 days, the third respondent has not complied with the



said direction; and as the claimant has no source of income, he finds it difficult to pay the court fee. Hence, the petitioner sought to exempt him from paying the court fee of Rs.4,000/-.

4. It is also submitted by the learned counsel for the petitioner that the petitioner, due to the injuries sustained by him, has completely lost his earning capacity and he is spending more money towards medical expenses.

5. Considering the aforesaid submissions made by the learned counsel for the petitioner as well as the reasons stated in the affidavit filed in support of this petition, this Court is of the view that exempting 50% of the Court fee, i.e., Rs.2,000/- to the claimant would meet the ends of justice.

6. Accordingly, this petition is partly allowed, exempting 50% of the Court fee payable by the petitioner. The petitioner / claimant is directed to pay the balance 50% of the court fee, i.e., Rs.2,000/- in the above Appeal, within four weeks from the date of receipt of a copy of this order. However, it is made clear that in the event of the petitioner / appellant / claimant, succeeding in the Appeal, he shall pay the necessary court fee for the entire compensation amount.

-sd/-

14/07/2021

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

THE IVTH ADDITIONAL DISTRICT
AND SESSIONS JUDGE, ERODE AT BHAVANI.

Order

in

CMP No.8508 of 2021

IN CMA.SR.NO.46970 OF 2021

Date :14/07/2021

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