



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.10.2021

CORAM

THE HONOURABLE MRS.JUSTICE S. ANANTHI

C.R.P(MD).No.990 of 2021 and
CMP(MD).No. 5631 of 2021

1.Valarmathi
2.S. Velmurugan
3.S. Krishnaveni
4.S.Krishnamoorthy

... Petitioners

Vs.

1.The State of Tamil Nadu
rep. by District Collector,Tiruhirappalli.

2.The Tahsildar,
Tiruchirappalli West Taluk Office,
Tiruchirappalli.

3.The Tiruchirappalli City Municipal Corporation,
rep.by its Executive Authority,
The Commissioner,Tiruchirappalli.

4.The Zonal Officer,
Tiruchirappalli City,
K.Abishekapuram Zone.

5.The Commissioner of Police Officer,Trichy City.

6.The Inspector of Police,
Thillainagar Police Station,
Trichy - 18.

... Respondents

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order dated 19.02.2020 passed in indigent O.P.No.3 of 2018 on the file of the Principal District Judge, Tiruchirappalli.

For Petitioners ... Mr. J. Madhu
for Mr. S. Vinod Sathiya Lazar

For respondents ... Mr. A. Baskaran
Government Advocate



ORDER

This Civil Revision Petition has been filed to set aside the order, dated 19.02.2020 passed in indigent O.P.No.3 of 2018 on the file of the Principal District Judge, Tiruchirappalli.

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2. The petitioners have filed the above said Indigent O.P.No.3 of 2018 to permit them to file the suit for recovery of possession without paying the Court fee due on the plaint.

3. On perusal of the order of trial Court it is seen that even at the time of evidence and cross examination, RW1 admitted that he has no knowledge about the seizure of one Auto bearing Regn.No.TN BB 7936 by the Central Bank of India and that he has also not aware of selling of second Auto bearing Regn.No.TN BB 3423. Even prior to the filing of the OP, the 2nd petitioner sold the auto and DO form has also been filed. There is no pleading in the petition about the seizure of vehicle and also selling of vehicle, but the documents filed for selling the auto under the SARFAESI Act and that the documents also produced.

4. The learned Government Advocate appearing for the respondents contended that the 2nd petitioner is having two Autos and he derived income from the two Autos.

5. Considering the facts and circumstances of the case, the Civil Revision Petition is allowed and the order passed in Indigent O.P.No.3 of 2018, dated 19.02.2020 by the learned Principal District Judge, Tiruchirappalli, dated 19.02.2020 is set aside. The learned Principal District Judge, Thiruchirappalli is directed to allow the petitioners to file the suit without paying the Court fee. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

trp

To

1.The Principal District Judge, Tiruchirappalli.

2.The District Collector,Tiruhirappalli.

3.The Tahsildar,

<https://hcservices.gov.in/hcservices/> West Taluk Office,Tiruchirappalli.



4.The Commissioner,
Tiruchirappalli City Municipal Corporation,
Tiruchirappalli.

5.The Zonal Officer,
K.Abishekapuram Zone.
Tiruchirappalli City,

6.The Commissioner of Police,Trichy City,Tiruchirappalli.

7.The Inspector of Police,
Thillainagar Police Station,
Tiruchirappalli - 18.

+1 CC to M/s.SPL.GP (SR-31733[F] dated 08/10/2021)

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CMP (MD) .No. 5631 of 2021

07.10.2021

MGJ(25.10.2021) 3P 9C