



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Friday, the Ninth day of April Two Thousand and Twenty One

PRESENT

The Hon'ble Mr.Justice S.S.SUNDAR
and
The Hon'ble Mr.Justice C.SARAVANAN

CMP(MD) No.4323 of 2020
in
REV.APLC(MD) .SR No.28833 of 2020

A.SYED ABDUL RAHIM

... PETITIONER/PETITIONER

Vs

1 THE MADURAI CORPORATION,
THROUGH ITS COMMISSIONER,
ANNA MALIGAI, TALLAKULAM, MADURAI.

2 THE DISTRICT COLLECTOR,
COLLECTORATE OFFICE,
MADURAI DISTRICT.

3 BANU BEE
4 MALIKA
5 ROSHINI
6 AMEENA BEE
7 FATHIMA BEE
8 SHAJITHA
9 MUMTAZ
10 ZABEEN
11 FAIZAL
12 JAHAN
13 AFSAL
14 SHAREEN
15 JOHARA

... RESPONDENTS/RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to exempt the petitioner to pay the Court fee Rs.7,38,738/- in filing the Review Application against the Judgment and Decree dated 09.01.2019, made in A.S.(MD).No.184/2015.

Prayer in REV.APLC(MD) .SR No.28833 of 2020:

To review the Judgment and decree dated 09.01.2019 passed by the Division Bench of this Hon'ble Court in A.S.(MD) No.184 of 2015 and to allow the second appeal.

Prayer in AS(MD) No.184 of 2015:

<https://hcservices.ecourts.gov.in/hcservices/> This Appeal Suit has been filed under Order 41 Rule 1 r/w.



Section 96 of C.P.C against the judgment and decree, dated 30.08.2012 in O.S.No.136 of 2007 on the file of the VI Additional District Judge, Madurai.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.R.SURIYANARAYANAN, Advocate for the petitioner, the Court made the following order:-

(Order of the Court was made by *S.S.Sundar,J.*)

This petition is filed to exempt the petitioner from paying Court Fee of Rs.7,38,738/- in filing the Review Application as against the judgment and decree, dated 09.01.2019, passed in A.S.(MD).No.184 of 2015.

2. Petitioner has preferred the Review Application S.R., after approaching the Hon'ble Supreme Court as against the judgment of this Court passed in the Appeal Suit.

3. The only ground alleged by the petitioner in support of the petition is that he has filed O.S.No.136 of 2007 *in forma pauperis* after obtaining leave of the Court under Order 33 Rule 1 of the Civil Procedure Code and that he is not in a position or having means to pay the Court Fee for filing the Review Application.

4. The petitioner, by seeking exemption to pay Court Fee, indirectly wants this Court to believe that he is a pauper. We do not find any other good reason to permit him to present the Review Application without paying the required Court Fee, which is due to the Government. Order 33 Rule 1 of the Civil Procedure Code prescribes the procedure for getting leave from the Court to file an appeal or suit *in forma pauperis*. However, the petitioner has to satisfy this Court that he is not possessed of sufficient means or property.

5. This Court is not convinced with the reasons stated in the affidavit to exempt the petitioner from paying Court Fee. Civil Miscellaneous Petition is, therefore, dismissed. However, liberty is given to the petitioner to file a petition under Order 33 Rule 1 of C.P.C. to present the Review Application as a pauper. Consequently, the connected Rev.Aplc.(MD).SR.No.28833 of 2020 is closed.

sd/-
09/04/2021

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

THE VI ADDITIONAL DISTRICT JUDGE,
MADURAI.

WEB COPY

ORDER

IN

CMP(MD) No.4323/2020 in

REV.APLC(MD) .SR No.28833/2020

Date :09/04/2021

DIXIT

SRS/PN/SAR-II/13.05.2021/3P/2C