



A.No.1889 of 2022

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in
A.No.4406 of 2021
in C.S.D.No.99888 of 2021

KRISHNAN RAMASAMY, J.,

This application has been filed seeking to set aside the order dated 25.02.2022 passed by the learned Master dismissing the Application No.4406 of 2021 for grant of leave to the Appellant/Applicant to institute the suit as an Indigent Person filed under Order-XIV, Rule-10(xlvi) and Order-VIII, Rule-4 of the Madras High Court Original Side Rules read with Order-XXXIII of the Code of Civil Procedure and for investigating the pauperism in C.S.S.R.No.99888 of 2021. Challenging the same, the appellant/applicant has filed the present application.

2. On earlier occasion, this Court vide order dated 28.04.2022 passed the following order:

"The applicant has filed the suit for various reliefs and also filed an application in A.No.4406 of 2021 to declare him as indigent person and also seeking exemption from payment of court fees. That application was dismissed by the learned Master on 25.02.2022. Challenging the same, the applicant has filed the present application.

2. On a perusal of the records, it is seen that neither the



applicant impleaded the Revenue Authorities of the local jurisdiction as a party, nor the learned Master sent notice to the Revenue Officials to ascertain as to whether the applicant has got means to pay court fee, where the applicant is residing.

3. Hence, the Registry is directed to issue notice to the District Collector, Vijayawada, seeking report from him as to whether the applicant has got any property or means. The applicant is directed to give the address of the District Collector, Vijayawada, by filing memo.

4. List the matter on 15.06.2022."

3. Pursuant to the above, the District Collector, Vijayawada has filed the following report:

"I invite kind attention to the references cited.

I submit that in the reference 1st cited, I was issued a notice to stating that Sri V.Vadlamannati Jaya Poorja Chandra Rao, S/o.Late Venkatanarayana Rao, R/o.No.40-9/1-17, Near Samaram Hospital, Vasavu Nagar, Benz Circle, Vijayawada has filed Application No.1889/2022 and upon hearing the A.No.1889/2022, the Hon'ble Court issued orders that seeking report from the Collector, NTR District as to whether the applicant has got any property or means, the applicant is directed to give the address the District Collector, Vijayawada, by filing memo.

In this connection, in the reference 2nd cited, the applicant in



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A.No.1889/2022 in A.No.4406/2021 in CSD No.99888/2021 i.e.Sri Vadlamannati Jaya Poornachandra Rao has filed representation stating that he has filed an application before the Hon'ble High Court of Madras for the fraud committed against his father's property measuring Ac.10.53 cts at Velachery Village, Chennai, Tamilnadu. Further, he stated that he was unable to pay the Court fee before the Hon'ble High Court of Madras hence, he filed a Pauper Application on which the Hon'ble High Court of Madras issued orders on 28.04.2022 and finally, he requested to file report to the Hon'ble High Court of Madras.

I further submit that in this regard, in the reference 3rd cited, the Tahsildar, Vijayawada East Mandal has reported that Sri Vadlamannati Jaya Purnachandra Rao having one brother and one sister and their mother and father died in his childhood. Since then, the applicant is dependent on his aunt (foster mother) i.e.Smt.Timmaraju Pushphavathi who is the Government Pensioner. Still the applicant along with wife are residing at his aunt's house. He is a Mimicry artist, but since 10 years, he has not been performing any shows due to health problem. His wife Smt. Vadlamannati Hari Priya Devi is RTC (worked as Senior Assistant) pensioner duly getting monthly pension of Rs.801/-. The applicant having Bank Account in Union Bank, Near Benz Circle vide A/c.No.013410100096785, but no balance available in his account and there is no transactions also since one year. As verified from



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web portal of VMC, he doesn't have any house in Vijayawada East Mandal jurisdiction and further they didn't possess any agricultural lands in Vijayawada East Mandal as verified from their Aadhar Number.

In view of the above circumstances, I agree with the report of the Tahsildar, Vijayawada East about Pauper Application No.1889/2022 of Sri Vadlamannati Jaya Poornachandra Rao and submitting the same for kind information."

4. A perusal of the report shows that the applicant has no sufficient means to pay the Court fee.

5. Considering the submission made by the learned counsel for the applicant and the report filed by the District Collector, Vijayawada, this Court is of the view the applicant has no sufficient means to pay the Court fee to contest the present suit. Therefore, the petitioner herein is declared as pauper and he is permitted to institute the present suit as indigent person and exempted from paying the Court fee for the present. In the event the applicant succeeds the suit, he is liable to pay the Court fee.

6. Accordingly, this application is allowed.

18.08.2022

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