



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Monday, the Twenty Seventh day of June Two Thousand Twenty Two

PRESENT

THE HON`BLE MR.JUSTICE M.DURAI SWAMY

AND

THE HON`BLE MR.JUSTICE SUNDER MOHAN

CMP.NO.9110 OF 2019

IN AS.(SR).NO.27046 OF 2019

P.R.DINESH

[PETITIONER]

Vs

1 P.R.GOPAL

[RESPONDENTS]

2 P.R.KUMUDHA

3 SUB REGISTRAR
SURAMANGALAM SUB REGISTRAR OFFICE,
SALEM - 5

4 DEPUTY INSPECTOR GENERAL OF
REGISTRATION, COLLECTORATE,
SALEM - 1

5 INSPECTOR GENERAL OF REGISTRATION,
SANTHOME HIGH ROAD, FORESHORE ESTATE
CHENNAI

6 COMMISSIONER
SALEM CORPORATION, SALEM - 7

7 TAHSILDAR
SALEM

8 SURVEYOR
SALEM WEST, SALEM

9 DISTRICT COLLECTOR
COLLECTORATE, SALEM



Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to permit the petitioner/Appellant appeal against the judgment and decree dated 20-07-2018 in O.S.No.166/2015 on the file of the I Additional District Judge, Salem as indigent person (CMP.NO.9110/2019 in AS(SR).NO.27046/2019)

Order : This Miscellaneous petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.R.ASOKAN, Advocate for the petitioner and of MR.T.CHANDRASEKARAN, Special Government Pleader on behalf of the 3, 4, 7 to 9 Respondents, the court made the following order:-

(Order of the Court was made by M.Duraiswamy, J.)

The appellant viz., P.R.Dinesh, who was the 2nd defendant, in the suit has filed the above petition to permit him to file the appeal as against the judgment and decree dated 20.07.2018 passed in O.S.No.166 of 2015 on the file of the I Additional District Court, Salem, as an indigent person.

2.Pursuant to the orders of this Court, the learned Special Government Pleader filed the report dated 07.06.2022, of the Tahsildar, Salem with regard to the solvency of the petitioner-appellant.

3.On a perusal of the report filed by the Tahsildar, it could be seen that the petitioner has been paying a monthly rent of Rs.8,000/- for his house and that he is also running a mobile shop and earning a sum of Rs.8,000/- per month. That apart, the petitioner is also owning a refrigerator, washing machine, Air Conditioner, LED TV in his house. Hence, the report filed by the Tahsildar establishes that the petitioner-appellant cannot be allowed to file the appeal as indigent person as per the provisions of the Civil Procedure Code. The application filed by him cannot be allowed.

4.Mr.R.Asokan, learned counsel for the petitioner is not in a position to contradict the report filed by the Tahsildar.

5.In these circumstances, the petition is liable to be dismissed. Accordingly, the same is dismissed.

6.The petitioner-appellant is granted six weeks time to pay the Court fee.

-sd/-

27/06/2022

/ TRUE COPY /



THE I ADDITIONAL DISTRICT
JUDGE, SALEM.

WEB COPY

Order
in
CMP.NO.9110 OF 2019
IN AS.SR.NO.27046 OF 2019

Date :27/06/2022

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