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C.M.P. No.22149 of 2019 in  
A.S.SR.No.123819 of 2019

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**A.S.SR.No.123819 of 2019**

**M.DURAI SWAMY, J.**

**and**

**T.V. THAMILSELVI, J**

((Order of the Court made by M.DURAI SWAMY,J.)

The petitioner-defendant has filed the above petition to permit him to institute the appeal as indigent person, challenging the judgment and decree passed in O.S.No.576 of 2012, dated 29.11.2019 on the file of the I Additional District Court, Coimbatore.

2. In the affidavit filed in support of the petition, the petitioner himself has stated that he is working as Security and drawing a salary of Rs.12,000/- [ Rupees twelve thousand only] per month and that he is residing in a rented house paying monthly rent of Rs.10,000/- [Rupees ten thousand only]. The very averment itself is unbelievable for the reason that he is earning Rs.12,000/- per month as salary and paying Rs.10,000/- out of the said amount. He cannot maintain his family consisting of his wife and two daughters out of the balance sum of Rs.2,000/-. That apart, in the cause title, it has been stated that the



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petitioner is the sole Proprietor of Sought Fashions. However, in paragraph 5 of the affidavit, he has stated that he is closing down the business and do not have any source of income. The averments stated in paragraph 5 is contrary to the averments stated in paragraph 6 of the affidavit, wherein he has stated that he is earning Rs.12,000/- per month. It is also evident that the petitioner's wife has got an immovable property at Coimbatore measuring an extent of 4048 sq.ft.

3. In these circumstances, the petition filed by the petitioner seeking to permit him to institute the appeal as indigent person cannot be allowed for the reasons stated above. The petition is devoid of merits and the same is dismissed. The learned counsel for the petitioner-appellant seeks two weeks time to pay the court fee. Recording the submission made by the learned counsel for the petitioner-appellant, two weeks time is granted for paying the court fee.

[M.D., J.] [T.V.T.S., J.]  
07.03.2022

Rj



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