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C.M.P.Nos.16760 & 16768 of 2019
A.S.Sr.No.53915 & 53914 of 2019

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in
A.S.Sr.Nos.53915 & 53914 of 2019

S.M.SUBRAMANIAM, J.

These miscellaneous petitions are filed to prosecute the appeal as an indigent person against the common judgment and decree dated 10.08.2017 made in O.S.Nos.19 of 2011 and 154 of 2013.

2. The petitioner is the appellant, who instituted the Appeal Suit and along with the appeal, he filed miscellaneous petitions seeking permission to prosecute the appeals as an indigent person.

3. The learned counsel for the petitioner made a submission that the petitioner was already declared as an indigent person before the Trial Court in POP.No.49 of 2012 dated 05.06.2013. Relying on the said order of the Trial Court, the learned counsel for the petitioner contended that under Order XLIV Rule 3, no further enquiry is required.



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4. In the present case, this Court has directed the Government Advocate to verify the same, but the Government Advocate has not verified so far and therefore, the petition is to considered.

5. The civil miscellaneous petitions are pending for the past about three and half of years and the Government Advocate have not filed any report pursuant to the orders of this Court to verify the indigent circumstances of the petitioner.

6. In view of the fact that the miscellaneous petitions are pending for the past about three and half years and considering the affidavits filed by the petitioner, stating that he continues to be an indigent person, this Court is inclined to grant permission. At the time of disposal of the Appeal Suit appropriate orders would be passed regarding the payment of Court Fees or otherwise.



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7. Accordingly, the Civil Miscellaneous Petitions in C.M.P.Nos.16760 & 16768 of 2019 are allowed and petitioner is permitted to institute Appeal Suits against the judgment and decree dated 10.08.2017 in O.S.Nos.19 of 2011 and 154 of 2013 as an indigent person.

15.02.2023

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