



C.M.A.No.88 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.M.A.No.88 of 2014

And

M.P.No.1 of 2014

Parimaladevi

... Appellant

Vs.

Manoharan

... Respondent

Prayer:

Civil Miscellaneous Appeal filed under Order XLI Rule 1 of Civil Procedure Code, 1908, to set aside the order dated 23.10.2013 made in I.A.No.194 of 2012 in A.S.No. of 2012 on the file of the Principal District Judge, Villupuram by allowing this civil miscellaneous appeal.

For Appellant : Mr.C.Munusamy
For Respondent : NRN

J U D G M E N T

This appeal has been filed seeking to set aside the order dated 23.10.2013 made in I.A.No.194 of 2012 in A.S.No. of 2012 on the file of the learned Principal District Judge, Villupuram.



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2.The appellant filed appeal suit as against the decree and judgment dated 23.07.2012, passed by the Sub Curt, Kallakurichi, in O.S.No.132 of 2005 and along with the appeal suit, she filed interlocutory application in I.A.No.194 of 2012 under Section 33 Rule 1 and 2 of C.P.C. before the learned Principal District Judge, Villupuram, seeking to permit the appellant to conduct the case as informa pauperis and vide impugned order, her request was rejected. Aggrieved by the same, the appellant has filed this appeal.

3.The learned counsel appearing for the appellant submitted that this Court may permit the appellant to pay necessary stamp duty and Court fee so as to enable the lower Court to decide the appeal suit within a reasonable time.

4.In view of the above, this Court permits the appellant to pay necessary stamp duty and Court fee, within a period of two weeks from the date of receipt of a copy of this judgment. On such payment being made, the lower Court shall decide the appeal suit filed by the appellant, as expeditiously as possible and as per the seniority. If the appellant fails to pay the necessary stamp duty and



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Court fee, within a period of two weeks from the date of receipt of a copy of this judgment, then the appeal suit filed by the appellant shall stand dismissed without any reference to the Court.

5.With the above observations and directions, the civil miscellaneous appeal stands dismissed. The order dated 23.10.2013 made in I.A.No.194 of 2012 in A.S.No. of 2012 by the learned Principal District Judge, Villupuram, is modified to the above extent.

6.The civil miscellaneous appeal is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

11.10.2023

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

1.The Principal District Judge,
Villupuram.



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M.DHANDAPANI,J.
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