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C.M.P.No.18472 of 2019

AS.SR.No.11372 of 2010



C.M.P.No.18472 of 2019

in

AS.SR.No.11372 of 2010

S.M.SUBRAMANIAM, J.

The Civil Miscellaneous Petition filed in C.M.P.No.18472 of 2019 is filed, seeking exemption from payment of Court fee for a sum of Rs.65,390/- in AS.SR.No.11372 of 2010.

2. The respondent/National Small Industries Corporation Limited, instituted a Suit in O.S.No.3626 of 1996 and the suit decreed in favour of the respondent/plaintiff. The petitioner is the defendant in the suit and filed an Appeal Suit in AS.SR.No.11372 of 2010. Along with the Appeal Suit, the petitioner filed Civil Miscellaneous Petition, seeking exemption from payment of Court fee.

3. The petitioner-in-person, who is a practising lawyer and formerly an industrialist, made a submission that he is not in a position to pay the Court fee and therefore, he filed a petition, seeking exemption from payment of Court fee. However, the petitioner has not filed any document to establish his indigent circumstances or otherwise. The Tahsildhar, Vellore, communicated a letter to the learned Special Government Pleader, High



Court of Madras in proceedings dated 16.11.2022. As per the said letter, the petitioner was residing at Thulasingham Pillai Street, Sangaranpalayam, Allapuram Village, Vellore District and he was residing in the said address 10 years before. The Tahsildar is unable to identify the petitioner's present address and also about the petitioner.

4. As far as the said village is concerned, he was not having any immovable property as per the verification done in the village registers. The petitioner-in-person, made a submission that the statement made by the Tahsildar is wrong and he is residing very much in the said address and therefore, the letter of the Tahsildar, Vellore is incorrect.

5. Court cannot exempt payment of Court fee in a routine manner. Indigent circumstances of a person is to be established through documents and such documents must be acceptable for the purpose of forming an opinion that the petitioner is not in a position to pay the Court fee. However, the petitioner-in-person, says that he is not having sufficient money to pay the Court fee. Mere statement in this regard would be insufficient. The petitioner-in-person further states that he is now residing along with his sister, who is well off. The petitioner is a practising lawyer and he was



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running an Industry, which became sick and therefore, the respondent instituted a suit. This Court is unable to form an opinion that the petitioner is an indigent person and incapable of paying the Court fee. The petitioner has not filed any document to establish his indigent circumstances. Based on presumptions and assumptions, exemption from payment of Court fee cannot be granted and thus, this Court do not find any merit in the contentions raised by the petitioner.

6. Accordingly, the Civil Miscellaneous Petition in C.M.P.No.18472 of 2019 in A.S.SR.No.11372 of 2010 stands dismissed. No costs.

24.01.2023

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Copy To:

The Sub-Assistant Registrar,
AE Section,
High Court, Madras.

S.M.SUBRAMANIAM, J.



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