



C.R.P.No.3140 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 20.03.2023

CORAM : JUSTICE N.SESHASAYEE

C.R.P.No.3140 of 2019

1.K.Rajagopal

2.K.Nallammal

... Petitioners / Defendants 1&2 /

Respondents 1 & 2

Vs.

1.Thilageswaran @ Thirumalaivasan

2.S.Tamilselvi

3.T.Saravanan

4.P.Kandasamy

5.K.Ashokkumar

6.S.Murugesan

7.N.Ponnusamy

8.The District Collector

Collector Office, Namakkal.

... Respondents /

Plaintiffs, Defendants 3 to 9 /

Petitioner, Respondents 3 to 9

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India praying to allow the above CRP and set aside the order and decretal order dated 18.06.2019 made in P.O.P.N.120 of 2015 on the file of the Principal District Judge, Namakkal.



WEB COPY



C.R.P.No.3140 of 2019

For Petitioners : Mr.A.Danyakumar
For Respondents : R1 to R7 - No appearance
Mr.C.Jayaprakash
Government Advocate [R8]

ORDER

This revision petition is filed by the defendants 1 and 2, challenging the order of the trial Court dated 18.06.2019 in P.O.P.No.120/2015 declaring the plaintiff as indigent person and permitted him to file a suit for *informa pauperis*.

2. The suit is laid for cancellation of certain settlement deeds and sale deeds executed by the first defendant and also for partition. The content is that he does not have the resources to pay the Court fee as the plaintiff has filed a suit as an indigent person under Order XXXIII Rule 1 CPC., Evidence was recorded, and the plaintiff himself has disclosed that the first defendant, the father of the plaintiff, has settled the 'B' schedule properties in his name. This is the reason on the basis of which the first defendant father resisted his son's suit for partition etc., The trial Court after enquiry has permitted the son to file the suit as an indigent person. This is now under challenge in this revision.



C.R.P.No.3140 of 2019

WEB COPY

3.The respondents have been served, and except the District Collector, none appeared.

4. Law has not become as cruel as to warrant the sale of a property or encumbering the only property that the plaintiff may possess to pay a court fee. Therefore, this Court does not want to interfere with the order of the trial Court.

5. In the result, the revision petition is dismissed. No costs.

20.03.2023

Index : Yes / No

Internet : Yes / No

Speaking order / Non-speaking orders

To:

1.The Principal District Judge
Namakkal.

2.The Section Officer
VR Section, High Court, Madras.



WEB COPY



C.R.P.No.3140 of 2019

N.SESHASAYEE.J.,
ds

C.R.P.No.3140 of 2019

20.03.2023