



C.M.P.No.8597 of 2023
in S.A.SR.No.139585 of 2022

A.D.JAGADISH CHANDIRA, J.

This petition has been filed seeking to permit the petitioner to file the appeal as indigent person.

2. It is the case of the petitioner that the respondent had filed O.S.No.123 of 2015 before the Subordinate Judge, Arakkonam for recovery of amount of Rs.6,00,000/- based on two Promissory Notes. The suit was dismissed on 12.03.2018. Against which, the respondent filed an appeal in A.S.No.12 of 2018 before the II Additional District Judge, Vellore @ Ranipet and the Appellate Court had set aside the judgment and decree passed by the trial Court and allowed the appeal and decreed the suit directing the petitioner herein to pay the suit claim of Rs.6,26,400/- together with interest at the rate of 12% per annum on the principal amount of Rs.5,00,000/- from the date of plaint till the date of decree and thereafter 6% per annum till realisation.

3. The said appeal was disposed of on 10.12.2019 and the judgment and decree was made ready on 22.01.2020. In the mean while, the respondent has filed execution petition in E.P.No.28 of 2021 and obtained an order of attachment and the EP is pending. Due to the attachment, the petitioner is unable to carry on any agricultural activities. Further the petitioner does not



own any tangible assets and income and thereby, he is unable to pay the Court fee for filing the appeal and thereby, the present application has been filed seeking to permit him to file appeal as indigent person.

4. The respondent has filed counter contending that the petitioner is a man of means and he is having a monthly income of Rs.6,000/- and that the petitioner is also operating a brick kiln from which he earns a huge sum of Rs.8,00,000/- and other agricultural income.

5. Based on the counter, this Court had directed the Tahsildar, Nemili Taluk, Ranipet District to give a report with regard to the financial status of the appellant before this Court.

6. A report has been filed before this Court and as per the report, the petitioner along with his sister has inherited the property belonging to their mother Tmt.Narasammal located at Survey No.413/20, to an extent 194m, which is worth about Rs.4,44,650/-, in which, the petitioner has half share. Further the petitioner has also other properties, the guide line which is worth about Rs.6,12,550/- and the current market value Rs.10,10,500/-. It is also stated that the petitioner earns Rs.72,000/- per annum from doing farming and he is also immovable property in his name which values above Rs.6,12,550/-



as per Government Guideline Value and its current market value
Rs.10,10,500/-.

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7. The learned counsel for the petitioner would submit that though the report says the petitioner has ten properties and the guideline value is Rs.6,12,550/- and its current market value Rs.10,10,500/-, both the properties were attached by the Court and thereby, the petitioner is not getting any income out of the property. However, he would contend that now the petitioner is ready to pay the Court fee and he may be granted some time to enable to raise funds.

8. Now, it is admitted by the learned counsel for the petitioner that the petitioner is ready to deposit the Court fee and therefore, in view of the above the petition stands dismissed. However, two weeks time is granted to the petitioner to pay the Court fee.

19.09.2023

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