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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2024

C O R A M

THE HON'BLE MR. JUSTICE **KRISHNAN RAMASAMY**

C.M.A.No.3115 of 2023

K.Jeevitha

...Appellant

Vs

1. Jeyapandi

2. Samy Prakasam

... Respondents

Prayer: Civil Miscellaneous Appeal filed under Order 43 Rule 1 of CPC, to set aside the Judgement Decree and order passed by the Hon'ble Principal District Judge at Chengalpattu in Indigent OP 225/2021 dated 13/09/2023 consequently direct the Hon'ble trial court to receive the balance court fee and number as Original suit.

For Appellant : Ms.M.S.Rajeswari

JUDGMENT

Challenging the impugned order of the Court below dated 13.09.2023,
this Civil Miscellaneous Appeal has been filed.



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2. The case of the appellant is that the appellant had initially filed an Indigent O.P.No.225 of 2021 on the file of the Principal District Court, Kancheepuram District, Chengalpattu. Since, owing to the COVID period, the plaintiff/appellant had suffered financial distress, and hence, she filed a Suit along with Indigent O.P.No.225 of 2021, to sue her as *informa pauperis*. However, the said Suit is rejected on the ground of Non-payment of Court Fee. Aggrieved by the same, the present Civil Miscellaneous Appeal is filed.

3. The learned counsel for the appellant/petitioner would submit that, now, the petitioner has come out from the financial crisis and ready to pay the entire Court Fee. In this regard, she has also filed a Memo before the Court below dated 07.07.2023, however, the Court below without taking into consideration of the same, rejected the said Petition vide order dated 13.09.2023.

4. Heard the learned counsel for the petitioner. Considering the nature of order that is to be passed herein, notice to the respondents is dispensed with.



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5. Considering the fact that the petitioner is now in a sound financial state and is ready and willing to pay the entire Court Fee, this Court, in the interest of justice, directs the Court below to entertain the suit if the plaint is re-presented, upon payment of the entire Court Fee. Therefore, this Court directs the appellant/petitioner to represent the plaint within a period of two weeks from the date of receipt of a copy of this order along with payment of sufficient Court Fee and thereafter, the Court below is directed to take the Suit on record and deal with the same in accordance with law.

6. With the above directions, this Civil Miscellaneous Appeal is disposed of. No Costs.

04.01.2024

Index: Yes/No
Internet: Yes/No
Speaking order/Non-speaking order
Neutral Citation: Yes/No
jd

To

The Principal District Judge,
Kancheepuram District, Chengalpattu.

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KRISHNAN RAMASAMY,J.

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