



WEB COPY

C.RP(MD)No1515 of 2



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 10.07.2024

CORAM

**THE HONOURABLE MR JUSTICE D.BHARATHA
CHAKRAVARTHY**

C.R.P(MD)No.1515 of 2024

and

C.M.P(MD)No.8913 of 2024

1.Beer Mohammed
2.Ali Ibunu
3.Noorudeen
4.Syed Ibrahim
5.Nagoor Kani

... Petitioners/Respondents4,5,
7,9&10/Defendants 4,5,7,9&10

Vs.

1.Beer Jumma Rani
2.Syed Ali Fathima
3.Syed Ishak
4.Syed Abudhahir
5.Mohamed Hanifa
6.Mohamed Meerasa

...Respondents5&6/Respondents
6&8/Defendants 6&8

Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 17.04.2024 made in P.O.P.No.49 of 2024 in unnumbered O.S on the file of the Principal District Court, Ramanathapuram.

For Petitioners

:Mr.A.Arumugam



ORDER

The Civil Revision Petition arises out of the order dated 17.04.2024

in P.O.P.No.49 of 2024 in unnumbered O.S.No..... of 2021.

2.The said application filed by the respondents as an indigent person has been allowed by the trial Court. Aggrieved by the same, the present Civil Revision petition is filed.

3.The learned counsel for the petitioners would submit that the plaintiff has enough resources to pay Court fee and an opportunity was not granted by the trial Court for the petitioners to let in evidence. On that day, when it was posted for the evidence of the respondents, there was a demonstration/strike. Since the learned counsel did not appear on account of the strike, the Court immediately closed the opportunity and pronounced the orders. Therefore, this Court should interfere with.

4.As far as the permission to the respondents/plaintiffs to treat them indigent persons is concerned, the trial Court has considered the evidence of PW1 and Ex.P.1 to Ex.P.5 were marked in the trial and passed the order. On behalf of the respondent side, there was no evidence let in.



5.The learned counsel for the petitioners would submit that an opportunity should have been granted for the petitioners to let in evidence.

When on the day of cross examination, there was no presence on behalf of the petitioners' side, normally if there is any substantial injustice is done, the trial Court will adjourn the matter. Considering the fact that the payment of Court fee is between the Court and the plaintiffs and more specifically it is revenue to the Government and the Government pleader not objecting to the suit being tried as *in forma pauperis*, the trial Court has closed the opportunity and thereafter, pronounced the order on merits. No grave prejudice will result to the petitioners herein, if the respondents/ plaintiffs prosecute the suit as an indigent persons. In any event, if the suit is decreed in their favour, the court fee will always be recovered and will be paid out to the exchequer.

6.In view thereof, finding no merits, this Civil Revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

10.07.2024

NCC:Yes/No
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D.BHARATHA CHAKRAVARTHY, J.

Ns

To
The Principal District Court,
Ramanathapuram.

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and
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