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C.M.P.No.13488 of 2024 in
Appeal (CAD) No.SR 31128 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2025

CORAM :

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

C.M.P.No.13488 of 2024
in
Appeal (CAD) No.SR 31128 of 2024

R.Suseela
W/o. Ramananda, No.996/997, 3rd Floor,
Gnanalakshmi Complex, Mettupalayam Road,
R.S.Puram, Coimbatore - 002. and 2 Others

Appellant(s)

Vs

A.B.Industries
Rep. by its Proprietor, A. Shanthi, W/o. V.
Alagirisamy, No.733/3, Thottipalayam Road,
Civil Aerodrome Post, Coimbatore.

Respondent(s)

For Appellant(s):

Mr.L.Mouli



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ORDER

(Order of the Court was made
by Senthilkumar Ramamoorthy,J)

By this petition, petitioner/intending appellant seeks leave to file an appeal as an indigent person against the judgment and decree dated 02.01.2024 in COS No.72 of 2023.

2. By the said judgment, defendants were directed to pay a sum of Rs.61,88,652/- with interest at 6% per annum from and out of the estate of the deceased Ramananda. Petitioner was second defendant in the suit. By order dated 26.11.2024, we directed petitioner to provide details of the tuition fees of the daughters being paid by the Rotary Club. We also directed petitioner to provide relevant documents such as Aadhar card, Pan card, bank statements and income tax returns for the last four financial years. The relevant paragraphs of the said order are set out below:

“2. There is a report dated 10.10.2024 filed by the District Collector, Coimbatore, relying on a report filed by the Tashsildar that the petitioner does not hold any immovable property at Vadavalli Village and the petitioner is financially supported by her sister. In the report it is stated that the petitioner's elder daughter is pursuing B.Tech in Chennai Anna University and the younger



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daughter is studying in 9th Standard in B.S.P.B. School. It says, the educational expenses are borne by the Rotary club through her husband's friends from time to time. There are no details.

3. Petitioner has also not provided any details about the tuition fees of the daughters being paid by the Rotary Club. Petitioner also has not provided copies of her Aadhaar card, PAN Card as also bank statements. Petitioner has not stated that she is a non-tax payer.

4. Therefore, petitioner is directed to file an affidavit, and enclose therein a copy of the PAN card, Aadhaar card, passport, bank statements/ bank passbook, income tax returns for the last four financial years and also make a declaration to the effect that nothing is suppressed.

5. Petitioner shall also annexe a copy of the sale deed that is referred to in the appeal memo with regard to the property purchased by her sister for Rs.80 lakh. Petitioner shall also get a certificate from the Rotary Club which has been funding the education of both the children, and the certificate shall also disclose how much has been paid, and the details of payments made.”

3. Pursuant thereto, petitioner filed a typed set in December, 2024. At pages 5, 6 and 7 of the said typed set, only the details of account number and account holder of the relevant bank accounts are set out. In other words, entries in the passbook have not been provided. The statement of account of petitioner in Bank of Baroda for the period from 01.04.2023 to 31.03.2024 has been provided. Petitioner has also provided statement of account of the account held in the Indian Bank. On examining these



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accounts, we find that there are substantial credit entries in these accounts on various dates. For instance, in the statement of account in Indian Bank bearing Account No.7153756339, there is a credit entry of Rs.80.00 lakh on 14.06.2023. The Bank of Baroda account statement bearing Account No.81890100011587 also shows substantial credit balance on various dates. By way of illustration, the credit balance as on 02.03.2024 is Rs.3,24,911/-. In these circumstances, we are not satisfied with the alleged indigent status of petitioner. Consequently, the petition for leave to file the appeal as an indigent person is dismissed.

4. Learned counsel for the petitioner seeks a week's time to pay the Court fee and file the appeal. Request is acceded.

(K.R.SHRIRAM, CJ)

(SENTHILKUMAR RAMAMOORTHY,J.)

21.01.2025

kpl