



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27-03-2026

CORAM

WEB COPY

THE HONOURABLE MR JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CMP(MD) NO. 18416 of 2025

1. Rajagopal
S/o.Muniyandi
D.No.46,
P.No.SLC 46,
LIC Colony,
Anna Nagar,
Madurai-625 020

Petitioner(s)

Vs

1. R.Valli
W/o.Ramachandran
D.No.49/3
Velar Street
Arapalayam
Madurai-625 016
2. R.Baskaran
S/o.Raman
D.No.8
Mathichiyam South Street
Madurai-625 020

3. Latha
W/o.Vellalakandan
Old.No.14A
New No.11
Pallapatti
Lingasamuthiram
Natham Utkadai
Oorallipatti Post
Dindigul District.



4. The District Collector
Madurai District.



Respondent(s)

For Petitioner(s):

Mr.T.Pon Ramkumar

For Respondent(s): M/s. V.S. Kumaraguru

Prayer: This petition is filed under Order 41 Rule 22 of C.P.C to recall the order dated 28.08.2025 in CMP(MD) No.11642 of 2025 in AS(MD) No.435 of 2025 by this Honourable Court and thus render justice.

ORDER

(Order of the Court was made by the Hon'ble G.R.Swaminathan J.)

The 1st respondent herein was permitted to file this appeal as an indigent person. To recall the said order dated 28.08.2025, this Civil Miscellaneous Petition has been filed.

2. The recall petitioner has produced the bank statement of the appellant to show that the first respondent herein is possessed of sufficient means. The Hon'ble Supreme Court in the decision reported in *2011(13) SCC 174 (Mathai M.Paikeday Vs. C.K.Antony)* had held that the expression 'sufficient means' in Order 33 Rule 1 of CPC contemplates the ability or capacity of a person in the ordinary course to raise money by available lawful means to pay Court fee.

3. We wanted to know as to how the appellant was able to raise about Rs.9,00,000/- as pointed out by the recall petitioner. The learned counsel for the appellant submitted that it was a jewel loan. This clearly indicates that the appellant was in a position to raise funds for paying the court fee. Therefore, we recall the order dated 28.08.2025.



4.This Civil Miscellaneous Petition stands allowed. The appellant has to pay the court fee within a period of 12 weeks from the date of receipt of a copy of this order. If the appellant fails to do so, consequences will follow.

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(G.R.SWAMINATHAN J.) (K.RAJASEKAR J.)
27-03-2026

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To

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