

(1998) 04 KAR CK 0013
In the Karnataka High Court
Case No : Civil Petition No. 192 of 1998

N.K. Ramachandra Rao

APPELLANT

Vs

G. Ganpath Rao and Another

RESPONDENT

Date of Decision : 03-04-1998

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 33 Rule 1, 60

Citation : (1999) 2 CivCC 382 : (1998) 5 KarLJ 272

Hon'ble Judges : T.N. Vallinayagam, J

Bench : Single Bench

Advocate : Sri S.A. Srivatsa, for the Appellant; Sri R. Nagendra Naidu, for the Respondent

Judgement

1. The petitioner is admittedly getting Rs. 3,000/- per month, though as pension, in my opinion he cannot be considered as an indigent person. Even his affidavit discloses that the articles in his possession is more than Rs. 15,000/- i.e., more than what is prescribed under Order 33, Rule 1, Civil Procedure Code. The only submission made by the learned Counsel for the petitioner was that Rs. 3,000/- is not much within the meaning of Section 60, CPC and consequently it should be held that the petitioner is an indigent person. I do not agree. It is not that the Court is wanting to attach any money and the petitioner wants the benefit of the litigation and when he chooses the benefit the Courts are not here to confer the benefit when admittedly he is not an indigent person. A person who is drawing Rs. 3,000/- in a month, in any form whatsoever cannot be considered as an indigent person and the exemption to Court fee to suit can be given only to the person who can be termed as indigent person.

2. Therefore, holding that the petitioner is not entitled to sue as an indigent person, this petition is dismissed. However, the petitioner is given time till 31st May, 1998 to pay the Court fee, failing which the petition shall stand rejected.