
(2000) 09 MAD CK 0022

In the Madras High Court

Case No : C.R.P. No. 377 of 1999 and C.M.P. NO. 1947 of 1999

Ramachandran

APPELLANT

Vs

Thiyagi A.K. Sundararasu

RESPONDENT

Date of Decision : 21-09-2000

Acts Referred:

Citation : (2000) 4 CTC 45 : (2001) 1 LW 403

Hon'ble Judges : S. Jagadeesan, J

Bench : Single Bench

Advocate : Mr. Srinath Sridevan, for the Appellant; Mr. Murlidharan, for the Respondent

Judgement

1. The petitioner herein is the respondent in O.P.No.2 of 1998 on the file of the District Judge, Pondicherry at Karaikal. The said O.P. was filed

by the respondent herein seeking permission to file the suit as in forma pauperis. The suit is for damages of Rs.50,000. It is the case of the

respondent that he has no means to pay the court-fee and hence he should be permitted to file the suit as in forma pauperis. The petitioner herein

took an objection stating that the respondent is receiving a sum of Rs.2,000 per month, as Freedom Fighters Pension. Moreover, the petitioner is

the owner of the house worth about Rs.50,000. Hence the petitioner cannot be said to be a man of no means. However, the trial court, without

considering the objections taken by the petitioner herein, has allowed the O.P. and permitted the respondent to file the suit as in forma pauperis.

Aggrieved by the same, the present revision has been filed.

2. I have perused the order of the lower court.

The trial Court has allowed the O.P. on the ground that the petitioner's

statement that the respondent is receiving a pension of Rs.2000 per month and owning immovable property worth Rs.50,000 have not been substantiated. I am unable to agree with the trial Court. It is an admitted fact that the respondent is receiving Freedom Fighters Pension. Of course, he has not stated as to how much he is receiving. Again the fact remains that he is the owner of the superstructure of the building, the value of which he has not stated. But now he claims the damages, said to have been caused by the petitioner in the said building. When he claims damages to the tune of Rs.50,000 naturally the value of the building will be something more. The quantum of court-fee is only Rs.3,750 and as such the petitioner cannot be said to have no means to pay the court-fee. It is always open to him to raise funds with the aid of the property which is not the subject matter of the litigation. Hence the lower court has erred in allowing the application filed by the respondent seeking permission to file the suit as in forma pauperis. The order of the court below is set aside. The Civil Revision Petition is allowed. The respondent is granted eight weeks time to pay the court fee. Connected C.M.P. is closed. No costs.