

IN THE HIGH COURT OF MADHYA PRADESH**AT INDORE****BEFORE****HON'BLE SHRI JUSTICE ANIL VERMA****ON THE 13th OF MAY, 2022****MISC. CIVIL CASE No. 332 of 2022****Between:-**

**VINOD S/O LATE SHRI GOPIKRISHNA AGRAWAL
OCCUPATION: UNEMPLOYED H.NO. 7 (OLD NO. 26/2) DALIYA
PAATI BAKHAL MALHARGANJ (MADHYA PRADESH)**

.....APPLICANT

**(BY SHRI V.K. JAIN SENIOR ADVOCATE WITH MS. VAISHALI
JAIN, ADVOCATE)**

AND

- OMPRAKASH S/O LATE SHRI GOPIKRISHNA AGRAWAL**
1. **OCCUPATION: BUSINESS R/O 35, AGRASEN NAGAR
AERODROME ROAD (MADHYA PRADESH)**
- YOGENDRA S/O LATE SHRI GOPIKRISHNA AGRAWAL**
2. **OCCUPATION: SERVICE R/O 35, AGRASEN NAGAR
AERODROME ROAD (MADHYA PRADESH)**
- AJAY S/O LATE SHRI GOPIKRISHNA AGRAWAL OCCUPATION:**
3. **BUSINESS HOUSE NO. 7 (OLD NO.-26/2), DALIYA
PATTI/BAKHAL, MALHARGANJ (MADHYA PRADESH)**
- SMT. SHAKUNTALA W/O LATE SHRI GOPIKRISHNA**
4. **OCCUPATION: HOUSEHOLD WORK HOUSE NO. 7 (OLD NO.-
26/2), DALIYA PATTI/BAKHAL, MALHARGANJ (MADHYA
PRADESH)**
5. **SMT. USHA W/O SUSHIL KUMAR AGRAWAL OCCUPATION:
HOUSEHOLD WORK SHIVNI MALWA (MADHYA PRADESH)**
6. **SMT. MADHU W/O GIRDHAR AGRAWAL OCCUPATION:
HOUSEHOLD WORK BEHIND OLD R.T.O. OFFICE UJJAIN
(MADHYA PRADESH)**

.....RESPONDENTS

(SHRI RANJEET SEN, G.A. FOR STATE)

This application coming on this day, the court passed the following:

ORDER

Both the parties heard and perused the order dated 21.12.2021 passed by the learned trial court. The trial court in para 57 has held as under:-

यदि कोई वाद आदेश 33 CPC के तहत प्रस्तुत किया जाता है और ऐसे वाद में यदि निर्धन अर्थात वादी सफल होता है, तो आदेश 33 नियम 10 CPC के तहत न्यायालय शुल्क की वसूली राज्य सरकार द्वारा उस पक्षकार से की जाती है जो उसे संदत करने के लिए डिक्री द्वारा आदिष्ट है और वह वाद की विषय वस्तु पर प्रथम प्रभार होगी, और जहाँ निर्धन अर्थात वादी वाद में असफल होता है वहाँ न्यायालय शुल्क अदा करने का दायित्व वादी का होता है।

A bare reading of para 57 reveals that applicant/plaintiff has been declared as an indigent person. Therefore no separate inquiry is required by this Court. The applicant has filed an affidavit in support of his contention in compliance of Order 44 Rule 3 of CPC. Therefore, this M.C.C. filed by applicant is hereby allowed and Registry is directed to register the appeal separately. At this stage the applicant is hereby exempted from payment of court fees.

(ANIL VERMA)
J U D G E