

IN THE COURT OF SH. HASAN ANZAR, LD ADJ-06**WEST DISTRICT, TIS HAZARI COURTS****CS No. 610876/16**

Surender Pandey
S/o Sh Chander Dar Pandey
r/o 682/2, Munshi Ram Bagh,
New Ranjit Nagar, Delhi.

.....Plaintiff

Versus

Commissioner, North Delhi Municipal Corporation,
Civic Centre,
Jawahar Lal Nehru Road
New Delhi.

.....Defendant

Date reserved for Order: 20.07.2018**Date of Order: 28.07.2018****Order on application under Order 33 Rule 1 r/w section 151
CPC filed by plaintiff.**

1. Plaintiff is the father of master Rahul Pandey, a student of K.D Junior Public School. Maser Rahul Pandey fell into a drain which is about 18-20 ft deep leading to his death on 25.02.2011.

2. Plaintiff has filed an application under Order 33 Rule 1 CPC

claiming exemption from filing the court fees in view of his poor economic condition.

3. Notice of petition/application was issued to defendant corporation. The defendant appeared before the court and contested the averments made in the application.

4. Pursuant to the order dated 12.01.2016, report from Executive Magistrate/Tehsilder was called. Tehsildar submitted his report with regard to the financial capacity of the plaintiff and it was reported that plaintiff is earning about Rs. 9000/- per month and he does not have any other movable or immovable properties.

5. Plaintiff/applicant has also filed an affidavit dated 10.03.2016 in respect of his income affidavit clearly reveals the nature of employment of plaintiff is not permanent in nature and he earns only Rs. 9000/- per month. Plaintiff has also appeared before the court and has deposed vide Ex.PW1/A. It was deposed that he has 06 member in family including his wife and children. It was stated by he does not have any movable or immovable property sanding his name.

6. Plaintiff was also cross examined by ld counsel for defendant. Nothing material come up on record to discredit his testimony with regard to financial status and thus there is no ground to disbelieve that plaintiff/applicant

does not fulfill the requirement as laid down under Order 33 CPC. The report of SDM/Tehsildar gives credence to the statement of plaintiff that he does not have movable or immovable property.

7. In view of the above discussion, the application under Order 33 Rule 1 CPC filed by plaintiff is allowed .

**Announced in the open court
today dated 28.07.2018**

**(Hasan Anzar)
ADJ-06/West District
THC/28.07.2018 .**