

KABG500015242025



**IN THE COURT OF THE I ADDITIONAL SENIOR CIVIL
JUDGE, GOKAK**

**Present: Sri. Mahadev Kanatti, B.Com.,LL.B.
I Addl. Senior Civil Judge, Gokak**

Dated this the 25th day of June-2026

Misc.No.13/2025

- Petitioners :
1. Smt. Chaitra W/o Mutteppa Harijan,
Age: 40 years, Occ: Agri and household,
 2. Kumar. Maharsh S/o Mutteppa Harijan,
Age: 12 years, Occ: Student,
(Since minor r/by n/m m/g
petitioner No.1)
 3. Shri. Rudrappa S/o Shivappa Harijan,
Age: 65 years, Occ: Agriculture,
 4. Smt. Kalavva W/o Rudrappa Harijan,
Age: 55 years, Occ: Agri and household,

All are R/o: Chikkanandi, Tal: Gokak.

(By Sri.B.K.J., Advocate)

V/s

- Respondents:
1. The Managing Director,
HESCOM, Nava Nagar Hubballi,
Dist: Dharwad.

2. The Superintending Engineer,
Electrical O & M Circle,
HESCOM Nehru Nagar, Belagavi,
3. The Executive Engineer,
HESCOM Ghataprabha,
Tal: Gokak, Dist: Belagavi,
4. The Assistant Executive Engineer,
HESCOM Gokak,
Tal: Gokak, Dist: Belagavi.
5. The Senior Officer,
HESCOM Gokak,
Tal: Gokak, Dist: Belagavi.
6. Basavaraj S/o Bhimappa Tulasigeri,
A/Post: Hirenandi Soubhagya Laxmi Sugar
Factory road Garden House, Hirenandi,
Tal: Gokak.
7. State of Karnataka,
R/by Deputy Commissioner Belagavi.
8. The Tahasildar Gokak,
Tal: Gokak, Dist: Belagavi.

(R.1 to 6 exparte)
(R7 and 8 by Ld. A.G.P.,)

ORDER ON PETITION FILED U/O 33 RULE 1 AND 2 OF
CPC

The petitioners have filed this petition seeking permission to institute the suit against the respondent No.1 to 6 as a Formpauperis.

2. The case of the petitioners are that: The petitioner No.1 is the wife, the petitioner No.2 is the son, the petitioner No.3 and 4 are the parents of deceased Mutteppa S/o Rudrappa Harijan. They are having no any movable and immovable properties and they were fully depended upon the income of the deceased Mutteppa. It is further submitted that, the petitioner No.2 is minor, the petitioner No.3 and 4 are old age parents. After the death of Mutteppa the financial stability of the family of the petitioners was disturbed and they have no any other source of income except the agriculture coolie for their livelihood. It is further submitted that, the respondent No.1 to 5 constitute Board of Electricity Supply, recently it is known as "HESCOM" and respondent No.2 to 5 are the officials of the respondent No.1 and to supply the electricity to its consumers. It is further submitted that, respondent No.6 is the owner of R.S.No.425/1 of Hirenandi village and there is a open well in the said property. The said Well is having electricity supply to lift the water from the Well under R.R.No.HND-L53473 through 63KVA through Tulasiger T.C. for supply of electricity to the pump set connected to the said Well and there is a farm house in the said property.

3. It is further submitted that, on 18.05.2024 the Mutteppa S/o Rudrappa Harijan and his parents along with one Suresh i.e., brother of deceased Mutteppa went to the Well to take bath in the Well existing in the said property at about 8.30 am., when the deceased Mutteppa went near the Well at that time the electricity wire having no coated cover come in contact to him and thereby he was got electrocuted. Immediately the neighbouring land owners and the parents of the deceased made an attempt to save the life of deceased Mutteppa unfortunately he died. Thus the deceased Mutteppa sustained severe electric shock injuries to his body. It is further submitted that, they are the permanent resident of Hirenandi village due to sudden death of deceased Mutteppa the petitioners are unable to do any coolie work as they are mentally and physically disabled and there are no other persons to maintain the family and they are no having income also. Thus the petitioners are unable to pay the Court fee due to Poverty and they are indigent persons. Hence, the said petitioners have filed this accompanying suit awarding compensation damages towards the untimely demise of deceased Mutteppa.

4. On the other hand, the respondent No.7 and 8 who are the competent authority put their appearance through learned A.G.P., and filed their common objections to the main petition. The respondent No.1 to 6 are not proper parties to the present petition. Hence, their presence have not been taken into consideration, though they have been made parties to the petition.

5. The respondent No.7 and 8 have denied the averments of the petition and contending that, the petitioners have got source of income, agriculture lands and house and thereby they are getting income, hence they are in a position to pay the Court fee and thereby the said petitioners cannot be termed as indigent persons. They are financially sound to pay the Court fee. From the records produced by the petitioners itself goes to show that the said deceased Mutteppa was doing all kind of work and getting income along with the income of immovable properties. Hence, the petitioners are in a financial position to pay the Court fee. On these grounds prays to reject the petition.

6. In order to prove the case of the petitioners, the petitioner No.1 has examined herself as PW.1 and marked a certificates issued by the Secretary, Gram Panchayth, Hirenandi and Village Accountant of Chikkanandi, certified copy of complaint in Cr.No.14 OF Gokak Rural police station order-sheet and charge-sheet, copy of Legal notice, Postal receipts, Postal acknowledgments, unserved RPAD cover, photostat copies of Aadhar cards of petitioners as Ex.P1 to 19.

7. I have heard the learned counsel appearing for the parties and perused the material on record.

8. Points that arise for consideration of this court are:

1. Do the petitioners have sufficient means to pay the Court fee ?
2. What order?

9. Findings of this court on the above points are as follows:

Point No.1: In the affirmative and

Point No.2: As per the final order for the following;

REASONS

10. Point No.1: The material on record goes to show that, the petitioners have knocked the doors of this Court seeking permission to institute the suit against the respondents No.1 to 6 as a indigent persons i.e., formapauperis, on the count that, on the sudden death of the one Mutteppa S/o Rudrappa Harijan resident of Chikkanandi due to electrocution. The respondents No.1 to 6 are the HESCOM authorities and the owner of the electric pump set connected to Well. The petitioners claiming that, they have no source of income to pay the Court fee on the suit to be instituted against the respondent No.1 to 6 claiming damages on account of the death of deceased Mutteppa. The entire family of the petitioners were depend on the agriculture coolie income of the deceased Mutteppa. They have no means to pay the Court fee.

11. In order to prove the same the petitioner No.1 herself entered into witness box by filing her affidavit in lieu of examination-in-chief and examined as PW.1 by reiterating the plaint averments. Besides her oral evidence relied on as many

as 19 documents at Ex.P1 to 19. Ex.P1 to 3 are the certificate issued by the Secretary, Gram Panchyath, Hirenandi and Village Accountant of Chickkanandi reveals that, the deceased Mutteppa and the petitioner No.1 has no properties in their names. Admittedly, the petitioners are permanent resident of the Chickkanandi village. The PW.1 has been subjected cross-examination by the learned A.G.P., but nothing has been elicited from the mouth of the PW.1 except suggestion and denial there by. Further the respondent No.8 is the custodian of the revenue records of the taluka has also not led evidence to show that, the petitioners having immovable properties in their names and have sufficient means to pay the Court fee. Under such circumstances, the oral evidence of the PW.1 coupled with documentary evidence placed before the Court remained unchallenged and there is nothing on record to disbelieve the evidence of the PW.1. Hence, this Court has satisfied that, the applicants are indigent persons within the meaning of Order 33 Rule 1 CPC., as they do not possess sufficient means to pay the Court fee prescribed for the suit. Accordingly, the point No.1 is answered in the affirmative.

12. Point No.2:- In view of the above findings, this Court proceed to pass the following:

ORDER

The petition filed U/O 33 Rule 1 of
CPC, is hereby allowed.

The petitioners permitted to institute
suit without payment of Court fee as
indigent persons.

(Dictated to the Stenographer directly on the computer, typed by her, revised, corrected and then pronounced by me in the open Court on this day, the 25th day of June, 2026)

Sd/-
(Mahadev Kanatti)
I Addl. Senior Civil Judge,
Gokak.

ANNEXURE

List of witnesses examined by the petitioner:

PW1 : Smt. Chaitra W/o Mutteppa Harijan

List of witnesses examined by the respondents:

-NIL-

List of documents marked by the petitioner:

Ex.P1 to 3 : Certificates issued by the Secretary, Gram
Panchayth, Hirenandi and Village
Accountant of Chikkanandi.

- Ex.P4 : Certified copy of complaint in Cr.No.14 of
Gokak Rural police station order-sheet
and charge-sheet.
- Ex.P5 : Copy of Legal notice.
- Ex.P6 to 11 : Postal receipts.
- Ex.P12 to 15 : Postal acknowledgments.
- Ex.P16 : Unserved RPAD cover.
- Ex.P17 to 19 : Photostat copies of Aadhar cards of
petitioners.

List of documents marked by the respondents:

-NIL-

**Sd/-
(Mahadev Kanatti)
I Addl. Senior Civil Judge,
Gokak.**