

IN THE COURT OF THE III ADDL. DISTRICT JUDGE,
THODUPUHA,

Present: S.S. Seena , III Addl.District Judge,

Thursday, the 21st day of August , 2025 /30th day of Sravanam 1947

IA 2/2022 IN A.S. 18/2022

Petitioner/Appellant :-

Asokan, S/o. Ramakrishnan, aged 50,
Agriculturist, Chakkumkuzhiyil Baisanvalley Kara,
Bisonvalley Village, Udumbanchola Taluk,
Idukki District, Pin- 685565.

By Adv. C.K. Vidyasagar & Sreelakshmi Saji

Respondents :

1. Ramesh Menon, S/o. Unnikrishna Menon, aged 53,
Business, Kurumath House, Thushara, Edathil Lane,
Chiyaram P.O., Chiyaram Village, Thrissur Taluk,
Thrissur District, Pin- 680026.

By Advs. Sri. Peter. V. Joseph, Sebin James and Noble Chacko

2. The Federal Bank Ltd., Kunchithanni Branch,
Kunchithanni, Udumbanchola Taluk,
Idukki District, Piin 685565, represented by
its principal Officer/ Branch Manager

No Vakalath

This I.A coming on for hearing before me on 21.08.2025 and having stood over for consideration on same day the Court delivered the following.

IA No. 2/2022 in AS 18/2022**ORDER**

The above application is filed by the appellant/2nd defendant. The prayer in the above application is to exempt the petitioner from paying the balance court fee payable and thereby, permit the petitioner to sue as an indigent. The application is seriously opposed by the 1st respondent / plaintiff.

2. Points for consideration :

1. Whether the prayer herein, is allowable?

3. **Point:** The records show that the above appeal is preferred against the Judgment and decree dated 18.3.2022 in OS 37/2020 on the file of Sub Court Devikulam. As per the above mentioned decree, the trial court had directed the appellant/2nd defendant to pay a sum of ₹19,71,856/- to first respondent/plaintiff within a period of two months from the date of decree together with 8% interest per annum on the principal amount of ₹15,90,270/- from the date of suit till the date of decree and thereafter at the rate of 6% till realisation with cost of the suit. As per the petition averments on hand, the petitioner/appellant/2nd defendant has remitted one tenth of the court fee payable along with appeal. It is specifically contended that, he has no source to pay the balance court fee payable and hence, he has sought to prosecute the appeal as 'pauper'. On a perusal of the above application, it is seen admitted that, he has a grocery shop out of which, he is earning a meager

income by which, the livelihood of the petitioner and his family members, is going on. It is also admitted that he has only 1 are 21 sq.meter land in his name but, it is contended that there is absolutely no income from the said property. The first respondent/plaintiff on the other hand, mainly contended that, the appeal is not only baseless but also, only to protract the proceedings. It is further contended that the attempt of the appellant by filing the above application is to defraud everyone including the court and process of law. Further, it is contended that the appellant has also other assets which, he has wilfully suppressed. The records show that when the above application was taken up for consideration, a report was called for from the District Collector. As per the said report, it is seen mentioned that 1.21 hectores alleged has a fair value of ₹1,86,340/- and that there is a shop consisting of three rooms and the back side of the said building is also used for residential purposes. Further, it is seen contended that the petitioner/appellant has in his ownership an invader jeep and an autorikshaw which are being used for his personal purposes. It is also seen mentioned in the report that, the petitioner's source of income is from his grocery shop and that his wife is a coolie worker and that her annual income is ₹76,000/-. The records show that on receipt of report, the petitioner appellant filed an IA 5/2024 to amend the above application. By way of amendment, the petitioner/appellant seeks to incorporate one more schedule in the above application and thereby, include the vehicles

alleged. IA 5/2024 stands dismissed this day. It has been specifically observed in the said application that, there is absolutely no explanation on the side of petitioner/appellant for not mentioning about the vehicles in the above application. The above omission is very fatal especially when, the petitioner has even described very nominal items in B schedule. It is also observed that the petitioner/appellant has wilfully suppressed the same. The intention thereby, would be only to defraud everyone as contended in the counter. As there is absolutely no explanation on the side of petitioner/appellant for not mentioning about the vehicles and as the petitioner has also not adduced any sort of evidence, I consider that the application is only to be dismissed especially when, the amendment application ie., IA 5/2024 also stands dismissed this day.

In the result, IA is dismissed.

Dictated to the Confidential.Asst. transcribed and typed by her, corrected and pronounced by me in open court on this 21st day of August, 2025.

Sd/-
S. S Seena
III Additional District Judge