



2026:CGHC:3894



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**NAFR****HIGH COURT OF CHHATTISGARH AT BILASPUR****CR No. 129 of 2024**

**1** - Dhanesh Sahu S/o Lakhanlal Sahu, Aged About 19 Years R/o Village Somaikala, Police Station And Tahsil Saja, Post Chilfi, District Bemetara (C.G.) -----(Defendant No.2).

**2** - Lakhanlal Sahu S/o Late Shri Budharu Sahu, Aged About 42 Years R/o Village Somaikala, Police Station And Tahsil Saja, Post Chilfi, District Bemetara (C.G.) -----(Defendant No.3).

**3** - Narendra Verma S/o Late Shri Gangaram Verma, Aged About 35 Years R/o Village Somaikala, Police Station And Tahsil Saja, Post Chilfi, District Bemetara (C.G.) -----(Defendant No.4).

**... Applicant(s)****versus**

**1** - Mahesh Kumar Sahu S/o Nanhuram Sahu, Aged About 23 Years R/o Village- Somaikala, Police Station And Tehsil- Saja, Post-Chilfi, District- Bemetara (C.G.) (Plaintiff).

**2** - Shesh Kumar Verma S/o Maniklal Verma, Aged About 42 Years R/o Village- Somaikala, Police Station And Tehsil- Saja, Post-Chilfi, District- Bemetara (C.G.) (Defendant No.1).



... Respondent(s)

|                         |   |                                       |
|-------------------------|---|---------------------------------------|
| For Applicant(s)        | : | Mr. Praveen Dhurandhar, Advocate.     |
| For Respondent(s) No. 1 | : | Mr. Vishvanath Shrivastava, Advocate. |
| For Respondent No. 2    | : | Mr. Suresh Kumar Verma, Advocate.     |

**Hon'ble Mr. Justice Amitendra Kishore Prasad****Order on Board****22/01/2026**

1. By way of this revision, the applicant has prayed for following reliefs:-

*"It, is therefore, prayed that the Hon'ble Court may be pleased to allow the revision and be pleased to make an order to set-aside/quash the impugned order dated 08-05-2024 (Annexure A-1), in the interest of justice."*

2. Brief facts of the case, is that, respondent No.1 is hereinafter referred to as the "plaintiff" and the applicants are hereinafter referred to as the "defendants." The plaintiff filed a civil suit claiming damages of Rs.50 lakhs against the defendants, inter alia, alleging that defendant Naresh Verma owned an air gun, which was taken by defendant Shesh Kumar Verma and thereafter by Dhanesh Sahu, and that on 19.09.2022 at about noon, when the plaintiff went to the field, he met defendant Mahesh Kumar Sahu, Raj Kumar Sahu and Shesh Kumar Verma, who was carrying the air gun to scare away monkeys, during which process defendant Dhanesh Sahu allegedly triggered the air gun, causing injury above the left eye of the plaintiff, who was



thereafter taken to the hospital for treatment and the incident was informed to his father, Nanhu Ram Sahu. It was further pleaded that the plaintiff was treated at various higher medical centres, including Chennai, that his father lodged complaints against the defendants, and that the plaintiff suffered financial and physical loss due to their acts, pursuant to which he issued a legal notice dated 30.11.2022 demanding Rs.50 lakhs, which was not replied to, and though a compromise was entered into at the police station, upon non-registration of FIR, a complaint was made to the Superintendent of Police, leading to registration of Crime No.12/2023 at Police Station Saja under Sections 326, 336, and 34 of IPC, which is pending against defendants Dhanesh Sahu and Shesh Kumar Verma. It was also pleaded that the plaintiff has no source of income and, having suffered losses, sought damages of Rs.50 lakhs. That, in the said civil suit, the plaintiff filed an application under Order 33 of CPC along with a separate application under Section 35(8) of the Court Fees Act, claiming himself to be an indigent person, stating that he is unemployed, has no movable or immovable property, and is unable to pay court fees, and sought permission to contest the suit as an indigent person. That, the said applications were opposed by the defendants by filing replies stating that the plaintiff is not an indigent person, is capable of paying court fees, has allegedly spent about Rs.50 lakhs on medical treatment, that the applications under Order 33 CPC and Section 35(8) of the Court



Fees Act cannot be decided together, and that the State Government, being a necessary party, was not impleaded. That, during the proceedings, the defendants also relied upon the statement of the plaintiff to show that a compromise had taken place between the plaintiff and defendant Dhanesh Sahu, under which the plaintiff had received Rs.2,80,000/- out of Rs.4 lakhs, to demonstrate that he is not an indigent person. That, however, the learned Trial Court, after considering the material on record and calling for a report from the Collector, Bemetara, allowed the plaintiff's application to contest the suit as an indigent person vide impugned order dated 08.05.2024, therefore, the present revision has been filed.

3. Learned counsel for the applicant submits that the impugned order dated 08.05.2024 is not in accordance with law and deserves to be set aside, inasmuch as the plaintiff has instituted a suit claiming damages to the tune of Rs. 50 lakhs but has failed to deposit the requisite ad valorem court fees as mandated under the relevant statutory provisions. It is further contended that despite specific objections having been duly raised by the defendant regarding non-payment of proper court fees, the plaintiff has neither complied with the legal requirements nor rectified the defect, and therefore, the continuance of the suit without fulfillment of this mandatory obligation renders the impugned order arbitrary, unsustainable, and contrary to settled principles of law.



4. On the other hand, learned counsel for the respondents opposes the same.
5. I have heard learned counsel for the parties and perused the material available on record.
6. The trial Court has observed and held that, insofar as the issue relating to court fees is concerned, the same shall be duly examined and considered at the appropriate stage during the course of the trial, and that upon final adjudication of the matter, if it is found that the plaintiff is liable to pay any additional court fees after the passing of the decree, necessary and appropriate orders shall be passed by the Court directing the plaintiff to deposit the requisite court fees in accordance with law.
7. In the considered opinion of this Court, the impugned order is just, proper, and in accordance with law, and therefore does not warrant any interference. It is well settled that, at the time of final adjudication of the suit, the concerned trial Court is always duty-bound to ensure that the plaintiff has paid the requisite ad valorem court fees as prescribed under law, which are required to be deposited at the time of institution of the suit. Accordingly, if and when the suit is decided, it shall be incumbent upon the trial Court to direct the plaintiff to make good any deficiency in court fees, if found, and to comply with the statutory requirements before granting any relief.
8. The concerned Trial Court has rightly passed the impugned order after due consideration of the facts and circumstances of the



case, and therefore, no interference is warranted at this stage. It is respectfully submitted that the Trial Court may take into account this relevant aspect and, upon final disposal of the suit, pass appropriate directions regarding the retention and adjustment of the requisite court fees from the concerned plaintiff in accordance with law.

9. With this observation and direction, the revision is disposed of.

Sd/-  
**(Amitendra Kishore Prasad)**  
**Judge**

Raghu Jat