

**S.A NO.382/11**

**30.04.2012:**

Shri Akash Rathi, learned counsel for the appellant.

Shri Amit Dube, learned counsel for the respondent.

Office has wrongly registered this matter as second appeal. In fact, it is an application filed under Order 44 Rule 1 read with Order 33 Rule 1 CPC to prosecute the appeal as an indigent person as according to him, he does not possess sufficient means to pay the Court fee. This ought to have been registered as an MCC. Office is, therefore, directed to rectify the mistake and register this case as MCC. Office is also directed to issue notice to the Collector, Shajapur to submit the report as contemplated under the law within a period of four weeks. The number of this appeal be struck off from the register.

**(S.K.SETH)**  
**JUDGE**

**hk/**