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**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

**BEFORE
HON'BLE SHRI JUSTICE VIVEK AGARWAL
ON THE 30th OF NOVEMBER, 2022**

MISC. APPEAL No. 4996 of 2018

BETWEEN:-

**VINOD KUMAR CHATE, S/O LATE SHRI
MURLIDHAR CHATE, AGED ABOUT 58 YEARS,
OCCUPATION: PETTY SHOP KEEPER, R/O HOUSE
OF JASPAL SINGH, BEHIND DR. GHAN SHYAM
ASRANI, DHAMMAN SINGH KA BADA,
GORAKHPUR, JABALPUR (MADHYA PRADESH)**

.....APPELLANT

(BY SHRI AJITESH TIWARI, ADVOCATE)

AND

**AJAY KUMAR SHARMA, S/O SHRI VIJAY
SHANKER SHARMA, R/O H.NO.157, GANJIPURA,
JABALPUR (MADHYA PRADESH)**

.....RESPONDENT

(NONE)

.....
*This appeal coming on for orders on this day, the court passed the
following:*

ORDER

This miscellaneous appeal is filed by the plaintiff/appellant being aggrieved of order dated 03/10/2018 passed by learned 2nd Additional District Judge, Jabalpur dismissing an application filed by him seeking exemption from payment of Court fee in M.J.C. No.12/2015.

Learned counsel for the appellant submits that there is a dispute in regard to that land which has been considered by learned trial Court and stay is obtaining in F.A. Nos.397/2010, 398/2010, 399/2010, 400/2010, 401/2010, 445/2010, therefore, he is not in a position to pay Court fee. It is evident that

suit is filed for recovery of Rs.15,60,000/-. It has come on record and discussed by learned 2nd Additional District Judge that appellant is in possession of over five acres of land. His annual income from such land is of Rs.50,000/-, therefore, he is not entitled to seek any exemption in terms of the provisions of Section contained 35 of Court Fee Act, 1870.

When Shri Ajitesh Tiwari, learned counsel for the appellant, is asked to show that what is the subject-matter of stay in first appeals, he is unable to point out that what is the subject-matter of stay in first appeals.

In view of such facts merely saying that appellant is not in a position to pay the Court fee because want of resources is not sufficient, there is documentary evidence available on record as has been discussed by learned Court below, there is no illegality in the impugned order calling for any interference.

Accordingly, this miscellaneous appeal is hereby dismissed.

(VIVEK AGARWAL)
JUDGE

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