

Order-44 Appeals by indigent Persons

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1. Who may appeal [as an indigent person] :-

1[(I) Any person entitled to prefer an appeal, who is unable to pay the fee required for the memorandum of appeal may present an application accompanied by a memorandum of appeal, and may be allowed to appeal as an **2**[indigent person], subject, in all matters, including the presentation of such application, to the provisions relating to suits by **2**[indigent persons] in so far as provision are applicable: **4**[* * *] **5** [* * *]

1. Rule 1 re-numbered as sub-rule (1) of that rule by Act 66 of 1956, Sec. 14.
2. Subs. by Act 104 of 1976, Sec. 90, for the word "pauper" (w.e.f. 1st February, 1977).
4. Proviso omitted by Act 66 of 1956, Sec. 14.
5. Sub-rule (2) omitted by Act 104 of 1976, Sec. 90 (w,e,f, 1st February, 1977).

2. Grant of time for payment of Court-fee :-

Where an application is rejected under rule 1, the Court may, while rejecting the application, allow the applicant to pay the requisite court-fee, within such time as may be fixed by the Court or extended by it from time to time; and upon such payment, the memorandum of appeal in respect of which such fee is payable shall have the same force and effect as if such fee had been paid in the first instance.]

3. Inquiry as to whether applicant is an indigent person :-

(1) Where an applicant, referred to in rule 1, was allowed to sue or appeal as an indigent person in the Court from whose decree the

appeal is preferred, no further inquiry in respect of the question whether or not he is an indigent person shall be necessary if the applicant has made an affidavit stating that he has not ceased to be an indigent person since the date of the decree appealed from; but if the Government Pleader or the respondent disputes the truth of the statement made in such affidavit, an inquiry into the question aforesaid shall be held by the Appellate Court, or, under the orders of the Appellate Court, by an officer of that Court

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(2) Where the applicant, referred to in rule 11, is alleged to have become an indigent person since the date of the decree appealed from, the inquiry into the question whether or not he is an indigent person shall be made by the Appellate Court or, under the orders of the Appellate Court, by an officer of that Court unless the Appellate Court considers it necessary in the circumstances of the case that the inquiry should be held by the Court from whose decision the appeal is preferred.]