

Section will be
treated as having the
same



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Section 13 of the Limitation Act specifically excludes the time during which application in forma pauperis is bona fide prosecuted till its rejection from computing the limitation of suit or appeal and it also provides that on plaintiffs paying Court-fee the suit or appeal would be treated as if the Court fee had been paid in the first instance.

Such payment of Court- fee should be within such time as was available between the initial filing of the suit and the application and the initial expiry of the period of limitation. Where the matter is at the stage of suit and an application for permission to sue as a pauper has been made it is competent for the plaintiff to pay the Court fees during the pendency of that proceeding with the permission of the Court and upon the payment of such Court fees the suit is deemed to have been prescribed on the day when the application was first made. In *Bashir Ahmad v.*

Rashida Khatoon, (AIR 1975 All. 286), it has been held that in such an event on payment of Court fee by an applicant who has been made an application for leave to sue or appeal as a pauper, on payment of Court fee the suit or appeal will not be treated as having the same force and effect as if the Court fee had been paid in the first instance, unless the time for payment of Court fee is extended by the Court. If, however, the Court fee had been paid before the expiry of the period of limitation fixed to which would be added the time during which the applicant had been prosecuting in good faith his application for leave to sue or appeal as a pauper or within such time as may have been extended by the Court the suit or appeal will be treated as having the same force and effect as having the same force and effect as if the Court fee had been paid in the first instance. In *P.*

Sreedevi v. P. Appu, (AIR 1991 Ker. 76), it has been held that no time-limit has been set out in Section 13 and the Court can extend time at its discretion to whatever extent it thinks fit.

But it must be proved that the applicant acted in good faith when he presented the application as pauper. In the same case, it has been held that an application to sue as an indigent person was rejected with a time to pay the Court fee, but instead of paying Court-fee and converting the suit filed along with application into regular suit, the plaintiff filing suit as a fresh suit on payment of Court- fee, which happened to be beyond limitation the fresh suit could not be saved by invoking Section 13 of the Limitation Act and the suit is liable to be dismissed as time-barred.