

ORDER BELOW EXH.1
In
MAC MISC. APPLICATION NO.429/2021

1. By this application under Order-33 Rule 1 & 2 of the Civil Procedure Code read with Sec.151 of the same procedure Code applicant has sought the relief to allow him to file the claim petition u/s.166 of the Motor Vehicle Act as an indigent person.

2. Heard learned advocate for the applicant and learned Government Pleader for the State of Gujarat.

3. Motor Vehicle Act is beneficial legislation. In the claim petition u/s.166 or u/s.163(a) of the Motor Vehicle Act, applicant has either lost his relative or part(s) of his body or he may have received body injuries out of unfortunate accident and for that he has prayed for compensation. Constitution of India guarantees for justice to all citizens, no citizens will be deprived of compensation remedies on aspect of not having sufficient court fees. In compensation cases, even interest of government is also safeguarded because court fees in such cases are always first charge over amount of compensation awarded.

4. I have perused pleadings, affidavits, documents, schedule of properties and consider

all the aspects, and specifically when there is no evidence as to income & properties of the applicants on the record, this Tribunal is of the opinion that applicant has no sufficient means to pay requisite court fees and, therefore, following order is passed.

-: O R D E R :-

1. The application is hereby allowed under o.33 R.1 & 2 of C.P.C.
2. The applicant is permitted to file MAC Petition as indigent person.
3. The applicants shall pay require court fee stamp at any point of time during the pendency of MAC Petition, if the applicants will be abllled.
4. The Office/Registry is directed to register the MAC Petition.
5. Court fee shall be first charge over compensation award in Main MAC Petition.
6. No order as to costs.

Pronounced & signed in the Open Court today on this 14th day of **September, 2021.**

Dated:- 14/09/2021

Place : Patan.

(D.A.Hingu)

JUDGE, MACT (MAIN) PATAN

UIC Code No.GJ00403