
BEFORE THE HON'BLE M.A.C.T. (MAIN),
KHEDA AT NADIAD.

Misc. M.A.C.P. No. 441 of 2024

APPLICANT:~

1. Manoj Rupsinh Vaghela.

Versus

OPPONENT:~

1. State of Gujarat.

For the Applicant.	Ld. Advocate Mr. O.G.Mansuri.
For the Opponent-State	Ld. A.G.P. Mrs. M.V.Dave.

Application under Order-33, Rule-1 & 2 of the Civil Procedure Code, for permission to sue as an indigent person.

J U D G M E N T

1. The applicant has filed this application under Order-33, Rule-1 & 2 of the Civil Procedure Code, for permission to sue as an indigent person and he has also filed an affidavit for the same. From the State, they have not filed any evidence regarding movable – immovable property of the applicant.
2. Notice has been duly served to the Ld. Additional Government Pleader, Kheda at Nadiad, and on behalf of the State, objection is filed.
3. Heard Ld. Advocate for the applicant, who argued as per the application, and Ld. Additional Government Pleader, Kheda at Nadiad for the opponent-State, who vehemently argued and taken objection strongly.

4. Having regard to the examination of the applicant, pleadings, evidence on record and the arguments advanced on behalf of concerned parties, if any, it is satisfactorily proved that the present applicant has no sufficient means to pay requisite Court fee stamps payable in his claim for compensation and that there is no any bar as contained in Rule-5 of Order-33 in this case and such application is to be considered liberally (Gulabsang Meruji v/s. Jayantilal Shankarlal Brahmin & others, reported in I-1999 A.C.C.547). In view of these facts, in the considered opinion of this Tribunal, this application is required to be granted as prayed for in the interest of justice. Therefore, the following order is passed.

O R D E R

1. This application is hereby allowed.
2. The applicant is permitted to file the compensation application as indigent person in forma pauperism.
3. The Registrar, M.A.C.T. (Main), Nadiad, is hereby directed to register this application in M.A.C.P. Register as a Motor Accident Claim Petition as contemplated under Order – XXXIII, Rule-8 of Civil Procedure Code.
4. The requisite Court fees is ordered to be recovered after adjudication of the application and it will be the first charge on the decree.
5. No order as to costs.

Pronounced in the open Court.

Date : 30-04-2024.

Nadiad.

(Nilesh Arunkant Anjaria)
Chairman –M.A.C.T.(Main),
Kheda at Nadiad.
UI Code No.GJ00462