

**IN THE COURT OF PRINCIPAL DISTRICT JUDGE,
AT BHARUCH**

Civil Misc. Application No.26/2026

Applicants: Chanchalben Shankarbhai Chudasama & Anr.

V/s.

Opponents: Chief Officer, Bharuch Nagar Seva Sadan and others

Appearance:

Mr. S. R. Rajput, Ld. Advocate for the applicants.

Ms. N. M. Mistry, Ld. APP for opponent No.3 - State.

Order Below Exh.1

1. Read the application and perused affidavit of the applicant No.1. Heard, Ld. Advocate for the applicants as well as Learned APP for the opponent No.3.
2. The applicants have stated in the affidavit that the learned Trial Court has partly allowed Special Civil Suit No.29/2018. Being aggrieved by the said judgment and decree, the applicants intend to prefer an appeal. However, due to the substantial losses suffered in the incident and the heavy expenses incurred towards medical treatment, the applicants have no sufficient source of income and are unable to afford the Court Fee Stamps. It is further stated that the learned Trial Court had previously declared the applicants an indigent persons and proceeded with the adjudication of the suit accordingly. For filing the present appeal against the claim amount of Rs.15,00,000/-, Court

Fees of Rs.29,950/- are required to be paid. As the applicants are financially incapable of paying the said amount, they have preferred the present application.

3. When the matter was called out, opponent No.3 has appeared through learned APP and she has objection if the present application is granted as prayed for by the applicants.
5. Considering the facts and circumstances of the present case, it is pertinent to note that applicants are not having sufficient means to pay the requisite Court Fees. More particularly, every citizen has a right to approach the Court of Justice for adjudication of right and non-availability of funds cannot come in their way to get justice. It is well settled that in Regular Civil (Damage to Property) Suit, the Court has to advance the beneficent construction. In compensation cases, the interest of Government is always safeguard because any amount that the applicant would get by way of compensation would be first subject to deduction of the Court Fees.
4. In view of above discussion, it is established that the applicants are coming from poor family. They do not have sufficient means to pay requisite Court Fees. Therefore, considering the facts & circumstances of the present case, it is a fit case to permit the applicants to sue as an indigent persons. Hence, in the interest of justice, following order is

passed.

ORDER

1. The present application is hereby allowed.
2. The applicants are hereby permitted to sue as an indigent persons.
3. A Regular Civil Appeal be registered and numbered accordingly.

Date: 07/05/2026

(R. K. Desai)
Principal District Judge
Bharuch
Code No.GJ00912