

GJGS010003422026

Received on : 13.03.2026



Registered on : 13.03.2026

Decided on : 15.04.2026

Duration : D - M - Y
02 - 01 - 00

=

**BEFORE THE MOTOR ACCIDENT CLAIMS
TRIBUNAL (MAIN), GIR-SOMNATH AT VERAVAL.**

MA-CMA No. 34/2026

Exhibit :

Applicants :-

**Legal heirs of deceased Daxeshbhai Jayendrabhai
Borkhatariya;**

1. Manishaben Jayendrabhai Borkhatariya

Aged: 51 years, Occupation: Household

2. Parth Jayendrabhai Borkhatariya

Aged: 29 years, Occupation: Labourer

3. Milan Jayendrabhai Borkhatariya

Aged: 27 years, Occupation: Labourer

All residing at : Veraval,

Taluka : Veraval, District Gir-Somnath.

Versus

Opponent :-

The State of Gujarat

Summons through the A.G.P., Veraval.

Subject : Application under Order-33, Rule-1 of the C.P.C. for
permission to sue as an indigent persons.

Appearance :-

L.A. Mr. I.A. Sama for the applicants.

Ld. I/c. A.G.P. Mr. M.K. Gohel for the opponent-State.

:: J U D G M E N T ::-

- (1) The applicants have filed this application under Order-33, Rule-1 of Civil Procedure Code for permission to sue as an indigent persons and they have also filed an affidavit for the same.
- (2) Notice has been duly served to the A.G.P., Veraval, who on behalf of the State has filed the written objection, wherein most of the facts as mentioned by the applicants have been denied and also contended that the present application of the applicants is not legal & proper and required to be dismissed.
- (3) I have heard the Learned Advocate for the applicants and Learned A.G.P., Veraval on behalf of the opponent - The State.
- (4) Having regard to the pleadings of the parties, considering the evidence on record and the arguments advanced on behalf of the parties, it is satisfactorily proved that the present applicants have no sufficient means to pay requisite court fees payable in their claim for compensation. In view of these facts and according to the ratio laid down in case of ***Gulabsang Meruji Vs. Jayantilal Shankarlal Brahmin & Others, reported in I-1999 A.C.C. 547***, I am of the opinion that, this application is required to be allowed as prayed for in the interest of justice, therefore, the following order is passed.

-: 3 :-

-: O R D E R :-

- ⇒ This application is hereby allowed.
- ⇒ The applicants are permitted to file the compensation petition as indigent persons in forma pauperism.
- ⇒ The Registrar, M.A.C.T. (Aux.), Veraval is hereby directed to register the Petition in M.A.C.P. Register as a Motor Accident Claim Petition as contemplated under O.XXXIII, R.VIII of C.P.C.
- ⇒ The requisite Court-fees is ordered to be recovered after adjudication of the application and it will be the first charge on the decree.
- ⇒ No order as to costs.

Signed and pronounced in the open Tribunal today on 15th day of April, 2026.

Date : 15.04.2026

Place: Veraval.

(Vikramsingh B. Gohil)

M.A.C.T. (Main),

Veraval.

Unique ID No.GJ01042