

GJGS010007302026



Received on :12.06.2026

Registered on :12.06.2026

Decided on :23.06.2026

Duration :0Y 0M 11D

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

MA-CMA No. 57/2026

Exhibit :

Applicants :-

Heirs of Deceased Jyotsanaben Dalsukhbhai Bamaniya

1. Dalsukhabhai Lakhmanbhai Bamaniya

Age : 44 years, Occupation : Labourer

2. Vishalkumar Dalsukhbhai Bamaniya

Age : 16 years, Occupation : Study

3. Minor Ashish Dalsukhbhai Bamaniya

Age : 18 years, Occupation : Study

(Applicant no. 1 himself and as guardian of minor)

R/o. all above at Bhalapara,

Ta. Veraval, Dist. : Gir-Somnath.

VERSUS

Opponent :-

The State of Gujarat

Summons through the D.G.P.,

Veraval at Gir – Somnath.

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

Appearance :-

Ld. Advocate Mr. I. A. Sama for the applicant.

Ld. D.G.P. Mr. K. D. Vala for the opponent - State.

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

- (1) The applicant has filed this application under Order-33 Rule-1 of Civil Procedure Code for permission to sue as an indigent person and he has also filed an affidavit for the same.
- (2) Notice has been duly served to the D.G.P., Veraval, who on behalf of the State has filed the written objection vide Exh. 5, wherein most of the facts as mentioned by the applicant has been denied and also contended that the present application of the applicant is not legal & proper and required to be dismissed.
- (3) I have heard the Learned Advocate for the applicant and Learned D.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 applicant has no sufficient means to pay requisite court fees payable in his 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.

-:: O R D E R ::-

- ⇒ This application is hereby allowed.
- ⇒ The applicant is permitted to file the compensation petition as indigent person 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 Order-33, Rule-1 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
23rd day of **June, 2026**.

Place :- Veraval.
Date :- 23.06.2026

(Jignesh J. Pandya)
M.A.C.T. (Aux.),
Gir-Somnath at Veraval.
(Code No. GJ-00756)