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GJJM010020622026



MACMA/223/2026

**BEFORE THE COURT OF MOTOR ACCIDENT CLAIM
TRIBUNAL (AUX.), JAMNAGAR**

M.A.Claim Miscellaneous Application : 223/2026

RATHOD KESHUBHAI GOVINDBHAI Vs. Government of Gujarat

APPEARANCE :-

<i>Ld. Advocate for the Applicant</i>	<i>Mr. I.S. Kureshi</i>
<i>Ld. APP for the State</i>	<i>Mr. D.A. Jivrajani</i>

**PERMISSION TO SUE AS AN INDIGENT PERSON
UNDER THE PROVISIONS OF ORDER 33 RULE 1&3.**

◀ J U D G M E N T ▶

- (1) The present application is filed by the applicant who seek to get compensation under the Motor Vehicles Act, but, the applicant have no sufficient means to pay Court fees. Therefore, by filing the present application seeks to be permitted to sue as an indigent person.
- (2) A notice was ordered to be issued on the State and the State has through the Learned A.P.P. filed a reply at **Exh.- 5** which is on the record of the proceedings, wherein it is

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contended that the application is neither true nor bonafide. The applicant has sufficient means to pay the Court fees. So, he has prayed for dismissal of this application.

- (3) Heard, the Learned Advocate for applicant and Learned APP for State. I have read the application and the affidavit at **Exh.-6**. The Schedule appended to the present application indicates that the applicant does not possess any immovable property and the movable property of the applicant is of such value that the applicant is required to be recognized as an indigent person as defined under Order 33 of the Code of Civil Procedure. The State have replied at **Exh.-5**. On perusal of the reply of the State and Affidavit of the Applicant, I am of the opinion that the same does not in any manner come in the way of the applicant being granted relief therein.
- (4) The Constitution of our Country confers rights upon every citizen to equality before law. Merely, because a person does not have the financial means, he/she can not be prevented from enforcing his/her legal rights in a Court of law. In my opinion, therefore, the present application is required to be allowed and in the circumstances, I pass the following order.

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∴ FINAL ORDER ∴

- **The Application is hereby allowed.**
- **The applicant is permitted to sue as an indigent person and in the circumstances, the M.A.C. Petition is ordered to be registered.**
- **No order to costs.**

*Signed, pronounced and declared on this **13th** day of **August, 2026**, at Jamnagar*

Date : 13/08/2026 **(Rasikkumar V. Mandani)**
Place : Jamnagar Motor Accident Claim Tribunal (Auxi.) and
3rd Additional District Judge
Jamnagar. (Code : GJ00715)

/// K. Yadav ///