

C.M.A. No. 33 / 2026**Order below Exh.1:**

1. **Facts of the Present Application** :- Herein, the present petitioners have filed Motor Accident Claim Petition for compensation due to death of decd. due to injuries sustained by the decd. in the alleged accident and with this petition, the petitioners have preferred an application seeking prayer that petitioners may be permitted to file this petition as indigent persons.
2. During the pendency of this application, Ld.Advocate for the petitioner/s has filed purshis vide Exh.10 wherein he has declared that:

“ અમો અરજદારે આપ નામદાર કોર્ટની હુકમતમા અમારો વાહન અકસ્માત વળતર અંગેનો કલેઈમ કેસ આજરોજ દાખલ કરેલ છે. તે કલેઈમ કેસમા કોર્ટ ફી ભરવાની થાય છે. પરંતુ હાલ અમો અરજદાર પાસે કોર્ટ ફી ભરવાની રકમ ન હોય અને ભવિષ્યમા અમો અરજદારને કોર્ટ ફી ભરવાની પરીસ્થીતી ઉત્પન્ન થાય તો અમો અરજદાર કોર્ટ ફી ભરી આપીશુ તેમજ ઉપરોક્ત કલેઈમ કેસના અરજદાર જો કોર્ટ ફી ભરી ન શકે તો અમો અરજદારના એડવોકેટ અરજદાર પાસે કોર્ટ ફી ભરાવી આપીશુ. તેમજ અમો અરજદારનો કલેઈમ કેસ મંજુર થયે અમારા કલેઈમ કેસમાથી કોર્ટ ફીની રકમ કાપી લેવી જે અંગે અમો અરજદાર બાહેધરી આપીએ છીએ. તેમજ અરજદાર પાસેથી કોર્ટ ફી વસુલ ન થઈ શકે તો કોર્ટ ફી ભરવાની જવાબદારી અમો લઈએ છીએ.”

3. Thus, the learned Advocate for the petitioner(s) has filed a purshis declaring that the petitioner(s) are currently unable to pay the Court fees. However, in case any occasion arises for the payment of Court fees, the petitioner(s) undertake

to pay the requisite Court fees. It is also assured that if the petitioner(s) fail to pay the Court fees, the same will be managed by the said learned Advocate.

4. Herein, from Government side, no any evidence which shows that the petitioner/s has/have sufficient means to pay the Court Fees. Therefore, there is no reason to disbelieve the facts which have been stated by the petitioner/s that they are unable to manage for court-fee stamps. Even there is no reason to disbelieve the fact that petitioner/s is/are not having properties except shown in the schedule.
5. The section 168 and section 169 of the Motor Vehicles Act, 1988 state that an inquiry is required to be held. Section 168 of the motor vehicle Act 1988 says that subject to the rules made the tribunal may follow such summary procedure as tribunal thinks fit. Considering that Motor Vehicles Act is a beneficial legislation and considering that the State can raise dispute with regards to indigency of the petitioner/s at any point of time, and therefore, considering the purshis at Exh.10, present petition is required to be allowed. Considering the same, I pass following order :-

-:: ORDER ::-

Considering the purshis at Exh.10, the petitioner/s is/are hereby permitted to sue as a indigent person/s and petitioner/s shall deposit the requisite court-fee during the pendency of the petition if petitioner/s will have the properties beyond the limits which are stated in the schedule.

No order as to cost.

Pronounced in the open court today
on this 7th day of March, 2026.

Date : 07.03.2026
Junagadh.

(B. G. Dave)
Principal District Judge
Junagadh
[GJ00469]