

CIVIL MISC. APPLICATION NO.22/2025**ORDER BELOW EXHIBIT-1**

1. Herein, the present petitioner has filed Motor Accident Claim Petition for compensation due to injuries sustained by him in a vehicular accident and with that petition, has preferred an application seeking prayer that the petitioner may be permitted to file the petition as an indigent person.

2. During the pendency of this application, Ld. Advocate for the petitioner/s has filed pursis vide Exh.09, declaring that the petitioner do not have the means to pay the court fees. It is further declared that in future, if the position to pay the court fees arise, either the applicant or his Ld. Advocate will pay the same. It is further mentioned that if the applicant is unable to make the payment, then the Ld. Advocate will arrange for the same and duly pay the same. Moreover, if the claim is allowed, then the court fee may be deducted from the compensation awarded to the petitioner.

3. The process has been served to the State and Mr. N.K. Purohit, Ld. Government Pleader has appeared and filed written statement vide Exh.08, wherein, has taken general defences and denied the facts of the application and prayed to dismiss the application with cost.

4. Herein, from the Government side, no evidence which shows that the petitioner has sufficient means has been produced. Therefore, there is no reason to disbelieve the facts which have been stated by the petitioner that petitioner is unable to manage for court fee stamps. Even there is no reason to disbelieve the fact that petitioner is not having properties except the properties 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 pursis at Exh.09, the present petition is required to be allowed and considering the same, I pass the following order :-

-: ORDER :-

1. The petitioner is hereby permitted to sue as an indigent person and he shall deposit the requisite court-fee during the pendency of the petition if he will have the properties beyond the limits which are stated in the schedule.
2. No order as to cost.
3. If the petitioner succeeded in claim then the court fees shall be recovered first from the claim amount.

Pronounced in the open Court, today on the 29th Day of July, 2025.

Date: 29/07/2025
Junagadh

(Mr. H.G. Damodra)
M.A.C.T.(AUX) &
5th Additional District Judge,
Junagadh
(Code No. GJ01005)