

GJJN210001622025



Received on 30-01-2025
Registered 30-01-2025
on
Decided on 18-07-2026
Duration YY-MM-DD
01 -05 - 18

**IN THE COURT OF MOTOR ACCIDENT CLAIMS TRIBUNAL
[AUXI] & 2nd ADDITIONAL DISTRICT COURT,
KESHOD, DIST. JUNAGADH.**

Ex. 16

MACMA No. 41 of 2025

Bharatbhai Muljibhai Parmar,
Aged abt. : 50, Occupation: Driving,
Religion: Hindu,
R/o. Vankarvas-Mangrol,
Tal. Mangrol, Dist. Junagadh.

Applicant...

Versus

(1) The State of Gujarat,
Notice Through ; AGP, Keshod,

Opponent..

**Subject :-Application under the provisions of CPC Order-
33,Rule-1-2 for prosecuting the claim as indigent person.**

Appearance :

Mr. K.L.Sanchela, LA for the applicant.

Mr. A.M.Parekh, LA for the Opponent.

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

- [1] The claimant has preferred this application under Order 33 Rule 1-2 of the Code of Civil Procedure for permission to prosecute his claim petition for compensation in the sum of Rs.10,00,000/- under Section - 166 of the M.V. Act, as indigent person, on the ground that he has not possessed sufficient means to pay required Court Fee Stamp.
- [2] The opponent was duly served with notice, and the Ld. A.G.P. has filed the written objection vide Exh.-07, wherein submits that this application to sue as an indigent person is non-genuine, legally unsustainable, and fails to satisfy the mandatory requirements of Order XXXIII Rules 1 and 2 of the CPC. The applicant has intentionally suppressed material facts and failed to submit authentic proof of income and false schedule of property and affidavit regarding their financial status. It is denied that the applicant lacks the means to pay the court fees, as they possess sufficient means to pay Court fee. Furthermore, the application is barred by the law of limitation, lacks a valid cause of action, and is filed before Tribunal lacking appropriate jurisdiction; therefore, it is prayed that this Tribunal reject the indigent status, direct the applicant to pay full court fees, and dismiss the application outright with costs in the interest of justice.

Heard, Ld. Advocate for the respective parties.

- [3] The Claimant has filed an affidavit of examination-in-chief vide **Exhibit-14**. The learned AGP, Shri A.M. Parekh, cross-examined the Claimant; however, nothing contradictory thing came on record.
- [4] Perused the application, affidavit, and the schedule of property of the applicant as per the record. It appears that the applicant does not have sufficient means to pay the requisite Court Fee. More particularly, every citizen has a right to approach the Court of Justice for the adjudication of his rights, and the non-availability of funds cannot come in the way of her obtaining justice. It is well settled that in the Motor Accident Claims Cases, the Court has to advance the beneficent construction. In compensation cases, the interest of Government is always safeguard because any amount that the applicant would get by way of compensation would be first subject to deduction of the Court Fees (*Hon'ble Gujarat High Court's decision in the case of Ranchodbhai V. Sharma v/s. Gujarat State Road Transport Corporation and Ors., reported in XXIV of GLR Page-90*). In this view, this application is requires to be allowed. Hence, following order is passed.

:: ORDER ::

1. The present application, **MACMA No. 41 of 2025** filed by the applicant under Order 33, Rule 1-2 of the Civil Procedure Code, is hereby, **allowed**.
2. Applicant is hereby permitted to file claim petition as

indigent persons with liberty, otherwise to apply, if required, or able to pay due Court fees during the Trial.

3. The petition under Section 166 of the Motor Vehicle Act be numbered and registered as Motor Accident Claim Petition.
4. In case of applicant succeeds in his petition, the due Court fees shall be deducted from the awarded amount on depositing by the opponents.
5. No order as to costs.

Pronounced and Signed in open Court today, on this ***18th day of July, 2026.***

Date : 18/07/2026
Place : Keshod.

[Sanjay Dhruvakumar Pandey]
M.A.C.T. [Aux.] and
2nd Additional District Judge,
Keshod. Dist. Junagadh.
[UIC No. GJ-00579]

#PK