

GJJN210003502026



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on
Decided on 22-06-2026
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**IN THE COURT OF MOTOR ACCIDENT CLAIMS TRIBUNAL
[AUXI] & 2nd ADDITIONAL DISTRICT COURT,
KESHOD, DIST. JUNAGADH.**

Ex.12

MACMA No.52 of 2026.

Heirs of the deceased Irshad Iqbalbhai Dal,

(1) Nikitaben Irshadbhai Dal,
Aged abt. :30, Occupation: Household,

(2) Minor Izhan Irshadbhai Dal,
Aged abt. :06 Months,

(3) Iqbalbhai Ibrahimbhai Dal,
Aged abt. :55, Occupation: Business,

(4) Seminaben Iqbalbhai Dal,
Aged abt. :43, Occupation: Household,
Minor through applicant no. 1.
R/o. Ajak,
Tal. Mangrol, Dist. Junagadh.

Applicants...

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 claimants above named have preferred this application under Order 33 Rule 1-2 of the Code of Civil Procedure for permission to prosecute her claim petition for compensation in the sum of Rs.1,00,00,000/- under Section - 166 of the M.V. Act, as indigent person, on the ground that they have 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.-10.

Heard, Ld. Advocate for the respective parties.

[3] 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 their 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. 52 of 2026** filed by the applicant under Order 33, Rule 1-2 of the Civil Procedure Code, is hereby, **allowed**.
2. Applicants are 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 their 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 22nd day of June, 2026.

Date : 22/06/2026

Place : Keshod.

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

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