

BEFORE THE HON'BLE M.A.C. Tribunal (MAIN),
KHEDA AT NADIAD.

Misc. MACP No 365/2026

APPLICANT:-

HEIRS OF LATE PARVATBHAI BHUDARBHAI CHAUHAN

VERSUS

OPPONENT:-

State of Gujarat

For the Applicant	Ld. Advocate Mr. H P Sodha
For the Opponent- State	Ld. A.G.P. Mr. R G Brahmhatt

Application under Order-33, Rule-1 & 2 of the Civil procedure Code, for permission to sue as an indigent person.

J U D G M E N T

1. The applicant has filed this application under Order-33, Rule-1 & 2 of the Civil Procedure Code, for permission to sue as an indigent person and he has also filed an affidavit for the same. From the State, they have not filed any evidence regarding movable – immovable property of the applicant.
2. Notice has been duly served to the Ld. Additional Public Prosecutor, Kheda at Nadiad on behalf of the State Government and objection is filed.
3. Heard Ld. Advocate for the applicant, who argued as per the application, and Ld. Additional Public Prosecutor, Kheda at Nadiad for the opponent -State, Who argued and taken objection.
4. Having regard to the examination of the applicant, pleadings, evidence on record and the arguments advanced on behalf of concerned parties, if any, it is satisfactorily proved that the present applicants have no sufficient means to pay requisite

Court fee stamps payable in their claim for compensation and that there is no any bar as contained in rule-5 of Order-33 in this case and such application is to be considered liberally (Gulagbsang Meruji V/s. Jayantilal Shankarlal Brahamin & Others, reported in I-1999 A.C.C.547). In view of these facts, in the considered opinion of this Court, this application is required to be granted as prayed for in the interest of justice. Therefore, the following order is passed.

ORDER

1. This Application is hereby allowed.
2. The Applicant is permitted to file the compensation application as indigent person in forma pauperism.
3. The Registrar, M.A.C.T (Main), Nadiad, is hereby directed to register this application in M.A.C.P. Register as a Motor Accident Claim Petition as contemplated under Order – XXXIII, Rule-8 of Civil Procedure Code.
4. The requisite Court fees is ordered to be recovered after adjudication fo the application and it will be the first charge on the decree.
5. No order as to costs.
Pronounced in the open Court.

Date :- 17/03/2026
Nadiad.

(Nilesh Arunkant Anjaria)
MACT(Main)
Kheda at Nadiad.
GJ 00462