

ORDER BELOW EX.1
IN
M.A.C.M.A. No.239/2026

1. By this application under Order-33, Rule - 1 & 2 of the Civil Procedure Code, 1908 r/w section-151 of Civil Procedure Code, 1908, applicants have sought the relief to allow them to file the claim petition U/s.166 of Motor Vehicle Act as an indigent person. The learned D.G.P. for the State has filed reply regarding the present application vide Ex.8 denying the facts of present application.
2. Heard the learned advocate for the applicant and learned D.G.P. for the State of Gujarat.
3. M.V. Act is beneficial legislation. In the claim petition U/s.166 or 163(a) of the M.V. Act, applicant has either lost his/her relative or part(s) of his/her body or he/she may have received bodily injuries out of unfortunate accident and for that he/she has prayed for compensation. Constitution of India guarantees for justice to all citizens, no citizens will be deprived of compensation remedies on aspect of not having sufficient court fees. In compensation cases, even interest of government is also safe-guarded because court fees in such cases are always first charged over amount of compensation awarded.
4. I have perused pleadings, affidavits, documents, schedule of properties and considered all aspects and specifically when there is no evidence as to income and properties on record, this Tribunal is of the opinion that the applicant has no sufficient means to pay requisite court fees and so the following order is passed.

-:: ORDER ::-

1. The present Application is hereby ***Allowed***.
2. The applicant is permitted to file M.A.C.P. as indigent person.
3. The Office/Registry is directed to register the M.A.C.P.
4. Court fees shall have first charge over the amount of compensation award in main M.A.C.P.
5. No order as to costs.

Pronounced & signed in the open court today.

Date : 04/06/2026
Place: Patan

(Prashantkumar H. Sheth)
M.A.C.T(MAIN), PATAN
U.I.Code No.GJ00524

(CRD)