

ORDER BELOW EXH.1

In

MAC MISC. APPLICATION NO.728/2025

1. By this application under Order-33 Rule 1 & 2 of the Civil Procedure Code read with Sec.151 of the same procedure Code, applicant has sought the relief to allow her to file the claim petition u/s.166 of the Motor Vehicle Act as indigent person.
2. Heard the learned advocate for the applicant and learned Government Pleader for State of Gujarat.
3. Motor Vehicle Act is beneficial legislation. In the claim petition u/s.166 or u/s.163(a) of the Motor Vehicle Act, applicant has suffered injury out of unfortunate accident and for that 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 charge over amount of compensation awarded.
4. I have perused pleadings, affidavits, documents, schedule of properties and while keep in mind all of them, this Tribunal is of the opinion that applicant had no sufficient means to pay requisite court fees and, therefore, following order is passed.

-: ORDER :-

1. The application is hereby allowed under O.33 R.1 & 2 of C.P.C.
2. Applicant is permitted to file MAC Petition as indigent person.
3. Applicant shall pay require court fee stamp at any point of time during the pendency of MAC petition, if the applicant will be abled.
4. The Office/Registry is directed to register the MAC Petition.

5. Court fee shall be first charge over compensation award, if Main MACP is allowed.
6. No order as to costs.

Pronounced & signed in the open Court on this 11th day of
March, 2026.

Date : 11/03/2026
Place : Patan

[Prashantkumar H. Sheth]
M.A.C.T. (Main) Patan
U.I.Code No.GJ00524

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