

GJVD220001982026



Presented on : 07.05.2026

Registered on : 07.05.2026

Decided on : 09.06.2026

Duration : Y M D
00 01 02**Motor Accident Claim Tribunal (Auxiliary), Dabhoi, Dist. Vadodara****MACMA NO.35/2026****Exhibit : _____****Applicants :-****Heirs of Late Salat Ismailbhai Ibrahimbhai,**

- (1) Sugraben Ismailbhai Salat,
- (2) Mansuri Samimbanu Sadiqbhai,
- (3) Vaniyavala Jamilabanu Rafiqmahammad,
- (4) Firozbhai Ismailbhai Salat,

VERSUS**Respondents :-**

- (1) Vaibhavkumar Rajnikant Prajapati - Owner,
- (2) ICICI Lombard General Insc. Co. Ltd.
- (3) The State.

Appearance:

Ms. H. R. Patel, Learned Advocate for the applicants.

Mr. H. B. Chauhan, Learned APP for the State.

ORDER BELOW EX-1

1. Read the application and affidavit of the applicant and schedule attached with the application. The applicants have stated that the said petition is filed by them for seeking compensation for the death husband of the applicant No.1 and father of the applicants No.2, 3 and 4 in the **vehicular accident** and court fee stamp is to be paid but they have no means for income and are not having any kind of income and so, have no sufficient means to pay the requisite Court fees.
2. Notice has been duly served upon the opponent State and Ld. APP for the State has appeared and has given his no objection by the way of endorsement of the present application.

3. The point in issue is whether the applicants have sufficient means to pay court fees. It is pertinent to note that there is a considerable distinction between means and sufficient means.

4. In the case of *A. Prabhu Karan Nair Vs. K. P. Neelkanthan Pillai reported in A.I.R. 1988 Kerala 267*, it has been held that "what is intended is not capacity to raise funds by any means whatsoever by begging, borrowing or stealing or by any other hook or crook but by normal and available lawful means".

5. In the case on hand, it appears from the evidence that the applicants have no sufficient means to pay necessary court fees. Therefore, it is a fit case to permit the applicants to sue as indigent persons. Under the afore stated circumstances, the present application is required to be allowed. Hence, in the interest of justice, I pass the following order:

::ORDER::

1. This application is hereby allowed.
2. The applicants are hereby permitted to sue as indigent persons against the opponents as provided in Order-33 of C.P.C.
3. Claim petition be registered and numbered.
4. No order as to costs at this stage.

Date: 09-06-2026
Place: Dabhoi

(Rahul Sharma)
Chairman, MACT (Auxi.)
Vadodara @ Dabhoi
UIC NO.GJ01588