

Order below Ex.1

- (1) Read the application along with affidavit. Perused the schedule produced by the applicant. Heard the learned advocates of the parties.
- (2) The applicant has filed the present petition under order 33 Rule 1 of C.P.C. in this application the applicant has stated that he/she has no sufficient means to pay the court fees prescribed by the law. It is therefore prayed to permit him/her to file the claim petition as an indigent person.
- (3) The notice was served upon the State. The learned DGP has appeared and filed his reply, interalia, contending that the contents of the application are totally false. It is denied that the applicant is indigent person as per the provisions of law. It is denied that the applicant is unable to pay court fees and further denied about the holding of movable or immovable properties. It is contended that the same is required to prove by the applicant. It is also denied that the applicant has not transferred any property before six months from the date of the application. For the reasons and reply stated their in, it is prayed to dismiss the application.
- (4) The application is supported by the affidavit of the applicant. The contents of the affidavit are supported to the facts of the application. Moreover, no evidence is adduced by the Government contrary to the say of the applicant. Thus, the fact remains that the applicant is an indigent person and has not sufficient means to pay the required court fees and that he/she had not sold any movable or immovable properties, and also not disposed off any property, within last two months before the presentation of the application. Hence, there is no reason to disbelieve that the applicant is an indigent person. Thus the application deserves to be allowed and hence, I pass the following final order;

:- ORDER :-

- ◆ The application is allowed.
- ◆ The applicant is permitted to file the petition as indigent person.
- ◆ The petition be registered and numbered as petition under the M.V. Act.
- ◆ The parties shall bear their own costs.

Pronounced in the open Court today on 16th day of January, 2018.

(G. D. PASI)
5th Addl. Dist. Judge & M.A.C. Tribunal,
A'bad (Rural) Ahmedabad.