

Supplementary List-I
Serial No. 83

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT JAMMU

Mac App No. 32/2026
CM No. 2696/2026

Date of pronouncement : 04.05.2026
Uploaded on : 07.05.2026

Monika Devi & Ors.

.....Appellants

Through:- Mr. Jatinder Singh, Advocate.

V/s

Motor Accidents Claims
Tribunal, Jammu & Ors.

.....Respondents

Through:-



CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER

01. The appellant No. 1-Monika Devi is mother of appellant No. 2-Divyansh Singh (minor son) and appellant No. 3-Ridhyansh Singh (minor son). The appellants No. 2 and 3 are said to be 12 and 9 years old respectively.

02. The three appellants lost their bread earner Pawan Singh who met with a road traffic accident on **23.06.2022** at National Highway near Gurudwara Malik Market, Jammu

when said Pawan Singh as a pedestrian came to be hit by offending vehicle (Swift Car) bearing registration No. **HR26BQ-7950**.

03. At the time of accident and death of Pawan Singh, the appellant No. 2-Divyansh Singh was 9 years old and appellant No. 3-Ridhyansh Singh was 6 years old against whom there was no limitation period which was supposed to run in the matter of filing a claim petition for seeking compensation under the Motor Vehicles Act, 1988.

04. The three appellants preferred a claim petition before the Motor Accident Claims Tribunal (MACT), Jammu which came to be entertained as **claim petition No. 366/C** with date of institution **18.06.2023**.

05. The Motor Accident Claims Tribunal (MACT), Jammu, by clubbing a number of petitions pending involving an element of delay and bar under limitation prescribed, generated a single order dated **13.12.2023** and *dismissed* the said petitions holding those time barred under the amended version of the Motor Vehicles Act, 1988.

06. In the entire order, Motor Accident Claims Tribunal (MACT), Jammu has not bothered to pose a question as to whether limitation was running against the minors so as to hit their claim petition as time barred and, therefore, this Court to

the extent of the petition of the appellants is inclined to grant indulgence as otherwise *dismissal* of their claim petition seeking compensation for death of their father and also with respect of appellant No. 1 seeking compensation for death of her husband with two minor sons in her lap would be nothing but compounding injustice and that cannot be the essence of Motor Vehicles Act, 1988 in the matter of right of the claimants to ask for compensation relatable to death of a person in a road traffic accident.

07. By no stretch of imagination, the amended version of the Motor Vehicles Act, 1988 can be read so to make the unfortunate dependents/ claimants of road traffic victim to suffer a legal accident as well in terms of *dismissal* of their claim petitions.

08. Therefore, this Court in exercise of power under article 227 of the Constitution of India vested with supervisory jurisdiction at its disposal which is fully applicable and operable with respect to Motor Accident Claims Tribunal (MACT), Jammu, sets aside the order to the extent of the claim petition of the petitioners and directs the Motor Accident Claims Tribunal (MACT), Jammu to restore the said petition to its original number and take it up for adjudication subject to the final outcome if any as may come from the Hon'ble

Supreme Court of India in the context of application of law of limitation under the amended Motor Vehicles Act, 1988.

09. The present appeal is, accordingly, ***disposed of*** along with connected application.

(RAHUL BHARTI)
JUDGE

JAMMU
04.05.2026

Bunty

Whether the order is speaking: Yes/No

Whether the order is reportable: Yes/No

