Sr. No. 28

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

Mac App No. 58/2025

Sant Ram and others …. Petitioner/Appellant(s)

Through:- Mr. Pranav Deep Singh, Advocate
vice Mr. Ranjeev Dubey, Advocate

V/s

Bajaj Allianz Insurance Co. Ltd. …..Respondent(s)

Through:- Mr. Sunny Mahajan, Advocate.

CORAM: HON'BLE MRS. JUSTICE SINDHU SHARMA, JUDGE

ORDER

15.09.2026

1. Heard learned counsel appearing for the parties.
2. This appeal has been preferred against order dated 03.02.2025, passed by learned Additional MACT (Additional District Judge), Udhampur. The claim petition preferred by the appellants came to be dismissed on account of being time barred by limitation in terms of sub-section (3) of Section 166 of the Motor Vehicles Act, 1988.
3. Learned counsel appearing for the parties admit that the accident, which resulted in the death of Rita Devi, occurred on 24.03.2022, whereas the new sub-section (3) to Section 166 of the Motor Vehicles Act came into effect on 01.04.2022. It is further stated that the provision prescribing limitation under the amended Section 166(3) could not have been applied to an accident which had occurred prior to its coming into force.
4. Having heard learned counsel for the parties and perused the record, it is apparent that the provision of sub-section (3) of Section 166 of the

Motor Vehicles Act, relied upon by the learned Tribunal for dismissing the claim petition, was not applicable to the case of the appellants, as the accident had occurred on 24.03.2022, i.e., prior to the coming into force of the said provision on 01.04.2022.

5. Accordingly, the appeal is allowed. The order dated 03.02.2025 passed by the learned Additional MACT (Additional District Judge), Udhampur, is set aside and the matter is remitted to the learned Tribunal for its disposal in accordance with law.

6. Disposed of.

(Sindhu Sharma)
Judge



Jammu:
15.09.2026
Michal Sharma/PS