

HIGH COURT OF CHHATTISGARH, BILASPUR**MAC No. 487 of 2020**

- Jhaduram Verma S/o- Late Guharam Verma Aged About 65 Years R/o Village- Rahud, Post- Salouni, P.S.- Khairgarh, Tahsil- Khairagarh, District- Rajnandgaon, C.G.

---- Appellant**Versus**

1. Samaylal Verma S/o- Nemulal Verma Aged About 45 Years R/o- Village Madrakuhi, P.S.- Khairgarh Tahsil- Khairagarh District- Rajnandgaon, C.G. (Driver And Owner),
2. National Insurance Company Limited Through Branch Manager, Branch Office- New Bus Stand Commercial Complex Rajnandgaon, District- Rajnandgaon, C.G.

---- Respondent

For Appellant : Shri FS Khare, Advocate.

For Respondent No.2 : Shri Pallav Mishra on behalf of Shri RN Pusty, Adv.

Hon'ble Shri Deepak Kumar Tiwari, J

Judgment On Board

12/11/2021 :

1. This Appeal has been preferred against the impugned award dated 7.2.2020 passed by the Additional Motor Accident Claims Tribunal, Khairagarh, District Rajnandgaon in claim case No.unregistered whereby the claim petition has been dismissed on the ground that it has been filed after 6 months whereas the new Motor Vehicle (Amendment) Act, 2019 has been made effective from 1st September, 2019.

2. It is not disputed that the accident took place on 12.5.2019 and the claim petition was filed on 30.1.2020 and apparently, it was filed beyond 6 months.
3. Admittedly, the issue involved in this Appeal has already been decided by this Court in MAC No.80/2020, vide order dated 8.11.2021, which is not disputed by learned counsel for the parties.
4. Accordingly, the present Appeal is also allowed in the same terms.
5. The impugned order is not sustainable and is accordingly quashed. The learned Claims Tribunal shall proceed as per Section 166 read with Section 168 of the Motor Vehicles Act, 1988, as till date the amended Section dealing with Chapters 10, 11 and 12 have not been brought on statute book substituting the earlier provision, to pass order in accordance with law.
6. The parties are directed to appear before the Claims Tribunal, Khairagarh, District Rajnandgaon on **13th December, 2021**.

Sd/-
(Deepak Kumar Tiwari)
Judge

Barve