

\$~4

***IN THE HIGH COURT OF DELHI AT NEW DELHI**

%

Judgment delivered on: 17.03.2021

+ MAC.APP. 248/2020 & CM APPL. 30545/2020

SUMAN & ANR.

..... Appellants

versus

SHYAMVEER SINGH & ANR.

..... Respondents

Advocates who appeared in this case:

For the Petitioner: Mr. Sajjan Kr. Singh and Mr. Santosh Kr. Sahu,
Advocate.

For the Respondent: Mr. Anshum Jain and Mr. Amol Sinha , Advocate.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Appellants impugn judgment dated 01.04.2019 whereby the Motor Accident Claim Tribunal has dismissed the application for compensation filed by the appellant on the ground of delay.

2. Subject accident is alleged to have taken place on 02.02.1998. The claim petition was filed on 19.08.2014 after a gap of 16 years and 6 months. Tribunal has rejected the claim on the ground of limitation.

3. The only ground taken by learned counsel for the appellants is that appellants are illiterate and living in a village and were not aware of their rights. No other reason has been stated by learned counsel for

Signature Not Verified

Digitally Signed By: SUNAL
MAGGU
Signing Date: 17.03.2021 23:09:51
This file is digitally signed by PS
to HMJ Sanjeev Sachdeva.

MAC.APP.248/2020

the appellants or in the appeal which prevented the appellants from approaching the Tribunal for making a claim for compensation.

4. Learned counsel for the appellants relies on the decision of the Supreme Court in *Purohit & Company Vs. Khatoonbee & Ors.* 2017(4) SCC 783 to contend that as the limitation prescribed under the Motor Vehicle Act was specifically deleted by omission of Section 166(3) of the Motor Vehicles Act, 1988 (hereinafter called the Act), the claim should have been entertained even after a lapse of 16 years and 6 months.

5. The Motor Accident Claims Tribunal, in the impugned award has also relied upon the judgment in *Purohit & Company Vs. Khatoonbee & Ors. (Supra)* to hold that the claim could not be permitted to be filed merely because of amendment and deletion of Section 166 (3) of the Act.

6. Supreme Court in *Purohit & Company Vs. Khatoonbee & Ors. (Supra)* has held that deletion of Section 166(3) would not amount to all and sundry to approach the Motor Accident Claims Tribunal to raise the claim of compensation at any juncture after the accident had taken place. An individual concerned must approach the Tribunal within a reasonable time. The Supreme Court has held that the question of reasonable time would depend on facts and circumstances of each case.

7. In the present case as noticed above, there is a delay of 16 years

and 6 months in approaching the Tribunal and no explanation has been given by the appellant either before the Tribunal or before this Court as to what prevented the appellants from approaching the Tribunal within a reasonable time.

8. 16 years and 6 months' time cannot by stretch of imagination be treated as a reasonable time in not approaching the Tribunal for a claim for compensation.

9. Mere submission that appellants resided in a village and was not aware of her rights, to my mind is not a valid ground for not approaching the Tribunal within a reasonable time.

10. I find no infirmity in the view taken by the Tribunal in rejecting the claim petition on the ground of limitation. I find no merit in the appeal. The appeal is accordingly dismissed.

SANJEEV SACHDEVA, J

MARCH 17, 2021
'rs'