



C.R.P.No.1678 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2023

CORAM:

THE HONOURABLE DR.JUSTICE D.NAGARJUN

C.R.P.No.1678 of 2023

1. Devi
2. Minor.Karthikeyan
3. Minor. Yoga Karthik
4. Minor Rohit Karthik
5. Manonmani

...Petitioners

Versus

- 1.Sumathi
2. The Divisional Manager,
National Insurance Co., Ltd.,
Having Office at No.9,
Infantry Road, Near Alankar Theater,
IOB Bank Upstairs, Vellore.

. . . Respondents

PRAYER : Civil Revision Petition filed under Article 227 of Constitution of India against the unnumbered M.C.O.P.S.R.No.12317 of 2022 in returning the petition by the docket order dated 15.12.2022 by the Motor Accident Claims Tribunal-cum-Principal District Judge, Vellore.

For Petitioner : Mr.C.Prabakaran

ORDER

Heard Mr.C.Prabakaran learned counsel on record representing the petitioner.

2.This Civil Revision Petition is filed by the petitioner aggrieved by



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the return endorsement made by the Trial Court in Unnumbered MCOP SR.No.12317 of 2022 on 15.12.2022, wherein the petition filed for seeking compensation under Section 166 of the Motor Vehicle Act, 1988, has been returned on the ground that the petition is barred by limitation as per the Amendments relating to the Motor Accident Claims which came into force on 01.04.2022.

3.Now, the learned counsel for the petitioner submits that as per the decision rendered in A.S.KRISHNAN VS. NAJEEB AND OTHERS [OP (MAC) No.6 of 2023 decided on 23.01.2023] of the High Court of Kerala at Ernakulam, his claim petition should not be returned on the ground of limitation. In this regard, it is relevant to extract para 24 of the said decision, which reads as follows:-

“ 24.As a fall out of my findings, the impugned orders are set aside, it is held that the provisions of the Limitation Act would be applicable for entertaining the petitions for claiming the compensation even beyond the period of six months, for, by taking into consideration, Rule 17 of Annexure XIII framed under Rule 150A of the Central Motor Vehicles Rules 1989, the limitation to entertain the claim petition cannot be restricted to six (6) months as there is no provision in the Act



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excluding the applicability of provisions of Section 29(2) of the Limitation Act. In other words, it is held that the claim petitions, if filed beyond the period of six months cannot be dismissed in limine.”

4.Considering the same, the Trial Court is directed to consider the claim petition filed by the petitioner in MCOP SR.No.12317 of 2022 afresh, taking into consideration of the authority of High Court of Kerala at Ernakulam and pass orders, on merits in accordance with law.

5.The Civil Revision Petition is disposed of at the admission stage itself, with the above observation and direction. No costs.

6.Registry is directed to return the original Petition for compensation filed by the petitioner before the Trial Court after substituting the same by a Photostat copy, to the learned counsel on record representing the petitioner.

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Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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Dr.D.NAGARJUN, J.

mp

To

The Motor Accident Claims Tribunal-cum-Principal
District Judge, Vellore.

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