



C.R.P.(PD) No.894 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2023

CORAM:

THE HON'BLE DR.JUSTICE D.NAGARJUN

C.R.P.(PD).No.894 of 2023

Boopalan

... Petitioner

Vs.

1. B.Raja

2. The Manager,
Oriental Insurance Co. Ltd.,
Office at Arcot Road,
Vellore.

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, seeking to set aside the docket order dated 23.02.2023 made in unnumbered M.C.O.P.SR.No.2557 of 2023 in returning the petitioner by the Motor Accident Claims Tribunal cum Principal District Judge, Vellore and to allow the Civil Revision Petition.

For Petitioner : Mr.C.Prabakaran

ORDER

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



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2.This Civil Revision Petition is filed by the petitioner aggrieved by the return endorsement made by the Motor Accident Claims Tribunal cum Principal District Judge, Vellore in unnumbered petition in MCOP SR No.2557 of 2023 dated 23.02.2023.

3. The petition filed by the petitioner, seeking compensation under Section 166 of the Motor Vehicle Act, 1988, has been returned by the Motor Accident Claims Tribunal cum Principal District Judge, Vellore 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.

4. Considering the limited relief sought for, notice to the respondent is deemed unnecessary.

5. 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:-

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“ 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 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.”

6.Considering the same, the the Motor Accident Claims Tribunal cum Principal District Judge, Vellore is directed to consider the claim petition filed by the petitioner in MCOP SR No.2557 of 2023 afresh, taking into consideration of the decision rendered by the High Court of Kerala at Ernakulam and pass appropriate orders, on merits and in accordance with law.

7.The Civil Revision Petition is disposed of at the admission stage



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itself, with the above observation and direction. No costs.

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Index : Yes/No
Speaking order / Non speaking order
vum

Note: Registry is directed to return the original Petition for compensation filed by the petitioner before the Tribunal after substituting the same by a Photostat copy, to the learned counsel for the petitioner.

To

The Motor Accident Claims Tribunal
cum Principal District Judge
Vellore.



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DR.D. NAGARJUN, J.

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