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C.R.P.No.1881 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2023

CORAM:

THE HONOURABLE DR.JUSTICE D.NAGARJUN

C.R.P.No.1881 of 2023

B.Suganya

. . . Petitioner

Versus

1.P.Satheeshkumar

2.ICICI Lombard General Insurance Company Ltd.,
Chottabhai Centre,
Chennai – 600 034.

. . . Respondents

PRAYER : Civil Revision Petition filed under Article 227 of Constitution of India to set aside the docket order dated 05.04.2023 in unnumbered M.C.O.P. (CNR No.TNCH090001222023 of 2023) passed by the Motor Accident Claims Tribunal, Chennai and direct the Motor Accidents Claim Tribunal to number the claim petition filed by the petitioner.

For Petitioner : Mr.S.Kingston Jerold

ORDER

Heard Mr.S.Kingston Jerold, learned counsel for the petitioner and perused the records.

2. This civil revision petition is filed by the petitioner aggrieved by the



C.R.P.No.1881 of 2023

return endorsement made by the Trial Court in Unnumbered M.C.O.P.(CNR No.TNCH090001222023 of 2023) dated 05.04.2023, wherein the petition filed for seeking compensation under Section 166 of the Motor Vehicles 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, the petitioner's 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 excluding the applicability of provisions of Section 29(2) of the



C.R.P.No.1881 of 2023

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 M.C.O.P. (CNR No.TNCH090001222023 of 2023) 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. There shall be no order as to 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 for the petitioner.

22.06.2023

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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C.R.P.No.1881 of 2023

DR.D.NAGARJUN, J.,
ms

To

The Motor Accident Claims Tribunal,
Chennai.

C.R.P.No.1881 of 2023

22.06.2023