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C.R.P.No. 2159 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2023

CORAM:

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

C.R.P.No.2159 of 2023

N. Kalaimathi

...Petitioner

Versus

1. S. Nagarajan
2. A. Prem Kumar
3. The New India Assurance Company Limited
having policy issuing office at
No. 2, 1st Floor Main Road
Dindigul – 624 001.

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, prays to direct the Motor Accidents Claims Tribunal, Chennai to number the claim petition in Unnumbered MCOP.(SR)No. 8310/2022 in CNR.No. TNCH090134022022, dated 13.12.2022.

For Petitioner : Mr.L Ramkumar

ORDER

Heard the learned counsel for the petitioner and perused the records.



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2. This Civil Revision Petition is filed by the petitioner aggrieved by the return endorsement made by the learned VI Judge, Court of Small Causes, Motor Accident Claims Tribunal, Chennai, in unnumbered petition in MCOP SR No. 8310 of 2022 dated 13.12.2022.

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, VI Judge, Court of Small Causes, Chennai, 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, her claim petition should not be returned on the ground of limitation. In this regard, it is relevant to extract para 24 of the said



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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 Motor Accident Claims Tribunal, VI Judge, Court of Small Causes, Chennai, is directed to consider the claim petition filed by the petitioner in MCOP SR No. 8310 of 2022 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.



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V.BHAVANI SUBBAROYAN, J.

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

17.07.2023

Index : Yes/No
Speaking order : Yes/No
Neutral Citation : Yes/No
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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 VI Judge, Court of Small of Causes, Chennai.

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