



WEB COPY



C.R.P. NO.1793 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2023

CORAM:

THE HON'BLE DR.JUSTICE D.NAGARJUN

C.R.P.No.1793 of 2023

1.Jansi Rani
2.Selvaraj
3.Akshaya

... Petitioners

Vs.

1.Madhan Mohan Subramaniyam

2.Kotak Mahindra General Insurance Co., Ltd.,
2nd Floor, Ceebros Centre,
39, Montieth Road,
Chennai – 600 008.

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the docket order dated 11.04.2023 made in unnumbered M.C.O.P.S.R.No.2186 of 2023 on the file of the Motor Accident Claims Tribunal, Chennai.

For Petitioners : Mrs.P.C.Geethammal



C.R.P. NO.1793 of 2023

ORDER

WEB COPY

Heard Mrs.P.C.Geethammal, learned counsel on record for the petitioners and perused the records.

2. This civil revision petition is filed by the petitioners aggrieved by the return endorsement made by the Trial Court in Unnumbered M.C.O.P.S.R.No.2186 of 2023 dated 11.04.2023, 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 petitioners 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, their 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 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 petitioners in M.C.O.P.S.R.No.2186 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. No costs.

6. Registry is directed to return the original Petition for



C.R.P. NO.1793 of 2023

compensation filed by the petitioners before the Trial Court after substituting the same by a Photostat copy, to the learned counsel on record for the petitioners.

16.06.2023

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
ms

To

The Motor Accident Claims Tribunal
Chennai.



WEB COPY



C.R.P. NO.1793 of 2023

Dr.D. NAGARJUN, J.

ms

C.R.P.No.1793 of 2023

16.06.2023