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C.R.P.No. 3201 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2023

CORAM:

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

C.R.P.No. 3201 of 2023

1.Sasikumar
2.Amul

...

Petitioners

Versus

1.Deepika
2.The Branch Manager
Universal Sompo General
Insurance Company Limited
LAS Towers, Ground Floor
No. 61, Velacherry Main Road
Little Mount, Saidapet,
Chennai-600 015.

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, prays to direct the Motor Accidents Claims Tribunal/Subordinate Judge, Tindivanam, to take on file MACTOP.No.SR.No. 364 of 2023 filed by the petitioner and proceed in accordance with law.

For Petitioners : Mr.K.J. Sivakumar



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ORDER

WEB COPY Heard the learned counsel for the petitioners and perused the records.

2. This Civil Revision Petition is filed by the petitioner aggrieved by the return endorsement made by the learned Subordinate Judge, Motor Accident Claims Tribunal, Tindivanam, in unnumbered petition in MCOP SR No. 364 of 2023 dated 02.06.2023.

3. The petition filed by the petitioners, seeking compensation under Section 166 (3) of the Motor Vehicle Act, 1988, has been returned by the learned Subordinate Judge, Motor Accident Claims Tribunal, Tindivanam, 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.



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5. Now, the learned counsel for the petitioners submit 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 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.”

6. Considering the same, the learned Subordinate Judge, Motor



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Accident Claims Tribunal, Tindivanam, is directed to consider the claim petition filed by the petitioners in MCOP SR No. 364 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 itself, with the above observation and direction. No costs.

27.09.2023

Index : Yes/No
Speaking order : Yes/No
Neutral Citation : Yes/No
MSM

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 Subordinate Judge,
Motor Accident Claims Tribunal, Tindivanam,



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V.BHAVANI SUBBAROYAN, J.

MSM

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