



C.R.P.No.3654 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.10.2023

CORAM:

**THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI**

C.R.P.No.3654 of 2023

1.Karpagam  
2.Mounika  
3.Santhosh Kumar  
4.Nallaiyan ... Petitioners

-Vs-

1.Jaspal Singh Dhillon  
2.Chola MS General Insurance  
House No.32/915. Shyam Nagar  
Shyam School, KPICHE Ravi  
CG Raipur, Chattisgarh-492 006. ... Respondents

**Prayer:** Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the order of rejection of Claim Petition of unnumbered MCOP SR.No.1770 of 2023 dated 21.02.2023 on the file of the Motor Accident Claims Tribunal, Special District Judge, Salem.

For Petitioner : Ms.J.Amritha Sarayoo



WEB COPY



C.R.P.No.3654 of 2023

## **ORDER**

Challenging the impugned docket order of rejecting claim petition passed by the Motor Accident Claims Tribunal in MCOP SR.No. 1770 of 2023 filed by the claimants, they have preferred this Civil Revision Petition.

2. Since the relief sought challenging the order of Claims Tribunal, notice to the respondents is dispensed with.

3. The learned counsel for Revision Petitioners would submit that the legal heirs of deceased Sakthivel filed a claim petition claiming compensation before the Motor Accident Claims Tribunal, Salem, but the same was rejected before numbering in M.C.O.P.SR.No. 1770 of 2023 by the learned Special District Judge, MCOP Tribunal, Salem stating reasons in the docket of claim petition, which is reproduced hereunder :-

*“As per the order of the order of Hon'ble High Court, Madras, dated 07.12.2022 in C.R.P. (PD) No.4066 of 2022, the MCOP shall be filed within 6 months from the date of 01.04.2022 for the accident took place prior to 01.04.2022.*



C.R.P.No.3654 of 2023

WEB COPY

*As per the petition version, the accident took place on 07.07.2022. Therefore, this petition and within filed on or before 30.09.2022. But, this petition filed after 4 months from the date of lapse of limitation. Therefore, this petition is clearly barred by limitation in view of the above order of the Hon'ble High Court. When in the petition is barred any law for time being in force, it is one among the grounds for rejection. Hence, this petition is hereby rejected.”*

Accordingly, the Claims Tribunal held that claim petition is barred by limitation. Challenging the docket order, the claimants preferred this Civil Revision Petition.

4. The learned counsel for Revision Petitioners relied the ratio laid down in the authority reported in **2023 Livelaw (Ker) 50** in the case of **Akshay Raj vs. Ministry of Law and Justice, Legislative Department**, wherein the High Court of Kerala in para 24 held 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*



C.R.P.No.3654 of 2023

WEB COPY

*months, for, by taking into consideration, Rule 17 of Annexure XIII framed under Rule 150A of the Central Motor Vehicle 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 provision of Sec.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.”*

On relying the aforesaid authority, the learned counsel for Revision Petitioners argue that the claim petition cannot be rejected on the ground of limitation.

5. Records perused. The reasons assigned by the Revision Petitioner is justifiable one. If at all, the claim petition is barred by limitation, which can be decided after taking the claim petition on file, but not at the initial stage. However, the revision petitioners, who are the legal heirs of deceased and they are starving for their survival. Therefore, the order passed by the Claims Tribunal is liable to be set aside. Accordingly, this Civil Revision Petition is allowed and the order of rejection passed in an unnumbered MCOP SR.No.1770 of 2023 is set aside. The trial judge is directed to take



C.R.P.No.3654 of 2023

the claim petition on file within a period of two weeks from the date of receipt of copy of this order and dispose the same on merits as expeditiously as possible. No costs.

**10.10.2023**

Index : Yes/No  
Speaking Order : Yes/No  
rpp

To

The Special District Judge,  
Motor Accident Claims Tribunal, Salem.



WEB COPY



C.R.P.No.3654 of 2023

**T.V.THAMILSELVI, J.**

rpp

C.R.P.No.3654 of 2023

10.10.2023