



C.R.P.(MD)No.2662 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.2662 of 2023

Sekar

... Petitioner/Petitioner

Vs.

1.K.Vivekanandan

2.Royal Sundaram General Insurance Co., Ltd.,
Bus Plaza, 3rd floor, 5 G, Lawsons road,

Represented by its branch Manager,

Police No.VGC 0500859000104

... Respondents/Respondents

Prayer: This Civil Revision Petition filed under Article 227 of Constitution of India, to direct the learned Special Judge for the Motor Accident Claims Cases, Trichy to number the M.C.O.P. Filing No.445 of 2023 and dispose of the same in accordance with law.

For Petitioner

: Mr.S.Malaikani



C.R.P.(MD)No.2662 of 2023

ORDER

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The Civil Revision Petition is directed against the order of return dated 01.06.2023, returning the claim petition as barred by limitation.

2. The claimant, by alleging that he was injured in an accident occurred on 18.08.2022, has laid the claim petition, claiming compensation.

3. The learned counsel for the petitioner would submit that FIR came to be registered in Crime No.214 of 2022 on the file of the Jeeyapuram Police Station and that when the claim petition was presented before the jurisdictional Court, the learned Special District Judge, has returned the case as the claim petition is barred by limitation.

4. As rightly pointed out by the learned counsel for the petitioner, in ***Akshay Raj Vs. Ministry of Law and Justice Legislative Department*** reported in ***2023 Live Law (Ker) 50***, Kerala High Court has observed 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



C.R.P.(MD)No.2662 of 2023

WEB COPY

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.”

5. No doubt, now the issue is pending before the Hon'ble Supreme Court.

6. Recently, a learned Judge of this Court ***in Malaravan Vs. Praveen Travels Private Limited and others*** reported in ***2023(4) LW 118***, has held that once FIR was lodged within six months, then there is no question of any limitation for laying the claim petition. Since the issue is pending before the Hon'ble Supreme Court, the learned District Judge is directed to take the petition on file, if it is otherwise in order subject to the issue of limitation and proceed with the same in accordance with law.



C.R.P.(MD)No.2662 of 2023

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7. With the above observation and direction, the Civil Revision
Petition is disposed of. No costs.

16.10.2023

Note :The Registry is directed to return
the original petition, filed along with
this revision to the learned counsel for
the revision petitioner, retaining a copy
of the same.

NCC :yes/No
Index :yes/No
Internet:yes/No
das

To

1. The Special Judge, Motor Accident Claims Cases,
Trichy
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.



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C.R.P.(MD)No.2662 of 2023

K.MURALI SHANKAR,J.

das

Order made in
C.R.P.(MD)No.2662 of 2023

Dated : 16.10.2023