



C.R.P.(MD)No.3020 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.3020 of 2023

A.Subramanian

... Petitioner/
Petitioner

Vs.

1. M/s.TVL NTC Logistics India Pvt. Ltd.,
No.1/244, Paramathi Road,
Thanneerpandal,
Keerambur Post,
Namakkal District.

2. M/s.Bajaj Allianz General Insurance Co. Ltd.,
through its Policy Issuing Office at
No.497/498, 5th Floor,
Ishama Karttima Building,
Poonnamalle High Road,
Chennai – 600 016.

... Respondents/
Respondents

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the Motor Accident Claims Tribunal (Principal District Judge), Thoothukudi to number the unnumbered Claim Petition in M.A.C.O.P.SR.No.39 of 2023 and dispose the same on merits in accordance with law and allow the present Civil Revision Petition.



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For Petitioner : Mr.N.Rahamadullah

ORDER

The Civil Revision Petition is directed against the order of return dated 05.07.2023, returning the claim petition as barred by limitation.

2. The revision petitioner/claimant, by alleging that he was injured in an accident occurred on 14.04.2022, has laid the claim petition, claiming compensation.

3. The learned counsel appearing for the revision petitioner would submit that FIR came to be registered in Crime No.34 of 2022 on the file of Thermal Nagar Police Station and that when the claim petition was presented before the jurisdictional Court, the learned Principal District Judge, has returned the case as the claim petition is barred by limitation.

4. As rightly pointed out by the learned counsel appearing 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 :



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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.”

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 Principal District Judge, Thoothukudi, is directed to take the petition on file, if it is



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otherwise in order subject to the issue of limitation and proceed with the same in accordance with law.

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

20.11.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
csm

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.

To

1. The Principal District Court,
Thoothukudi.
2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
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