



CR-5080-2024

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(132)

CR-5080-2024

Date of Decision: - 04.09.2024

Shriram General Insurance Company Limited

....Petitioner

Versus

Jasmeen and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Sanjeev Kodan, Advocate,
for the petitioner.

VIKAS BAHL, J. (ORAL)

1. Present revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 07.02.2024 (Annexure P-8) whereby the application filed by the petitioner for dismissing the claim petition on the ground of limitation has been dismissed by the Motor Accident Claims Tribunal.
2. Brief facts of the case are that respondent No.1 had filed a claim petition under Section 166 of the Motor Vehicles Act (hereinafter referred to as "the MV Act") claiming compensation on account of injuries sustained in a motor vehicle accident that took place on 20.07.2020 at about 4.00 PM. The Insurance Company had filed an application dated 03.01.2024 (Annexure P-6) for dismissing the claim petition by holding the same to be not maintainable by placing reliance

**CR-5080-2024****-2-**

upon Section 166(3) of the MV Act, which as per the averments made in para No.4 of the said application dated 03.01.2024, had come into effect on 1st April by virtue of the Central Government notification passed on 25.02.2022. A reply was filed to the said application and it was stated that respondent No.1 herein was a minor at the time of the accident and she had attained the age of majority on 06.03.2023 and had filed the claim petition on 25.04.2023, which was done within a period of one and a half month from the date of attaining majority. It was further stated that the respondent was not competent to file the claim petition up to 07.03.2005 having not attained the age of majority and a copy of the school certificate showing the date of birth was also attached to buttress the above-said plea.

3. The Presiding Officer, MACT, Nuh, vide order dated 07.02.2024 (Annexure P-8) dismissed the said application filed by the present petitioner by observing that as per the School Certificate and Pan Card, date of birth of the respondent is recorded as 07.03.2005 and the same clearly shows that at the time of the accident on 20.07.2020, the respondent was a minor and that she attained the age of majority on 06.03.2023 and the petition has been filed on 25.04.2023 i.e. within a period of one and a half month after attaining the age of majority and on account of the same the claim petition cannot be stated to be time barred.

4. Learned counsel for the present petitioner has submitted that as per the provisions of Section 166(3) of the MV Act, no application for compensation can be entertained unless it is made within six months of

**CR-5080-2024****-3-**

the occurrence of the accident, whereas, in the present case, the accident is dated 20.07.2020 and the petition has been filed on 25.04.2023 and since the same is beyond the period of six months, thus, could not have been entertained.

5. This Court has heard learned counsel for the petitioner and has gone through the paper-book.

6. A perusal of the reply dated 07.02.2024 (Annexure P-7) filed by the present respondent as well as the impugned order would show that as per the copies of the School Certificate and Pan Card, the date of birth of the present respondent is recorded as 07.03.2005. The said fact could not be disputed before this Court. The observation made in the impugned order to the effect that the present respondent was a minor on the date of the accident i.e. 20.07.2020, thus, could not be refuted. It has also not been disputed that the respondent had attained the age of majority on 06.03.2023 and that the petition has been filed by the respondent on 25.04.2023 i.e. within one and a half month after attaining the age of majority. It is in the said circumstances that the Court had observed that the claim petition cannot be stated to be time barred as it is only after the respondent had attained majority that she was competent to file the claim petition and thus, accordingly had filed the petition. No law has been cited before this Court to show that in case a person is a minor at the time of the accident and is therefore incompetent to file a claim petition, then, he/she cannot file the same within a period of six months of his/her attaining the age of majority. Accordingly, the impugned order dated

**CR-5080-2024****-4-**

07.02.2024 (Annexure P-8) is in accordance with law and deserves to be upheld.

7. Additionally, it would be relevant to mention that even as per para 4 of the application filed by the present petitioner, the provisions of Section 166(3) of the MV Act have come into effect from 1st April as per the notification passed on 25.02.2022 and although, in para 4, after 1st April the year has not been mentioned, but a perusal of the provisions itself shows that the said provisions have been inserted by Act 32 of 2019 w.e.f. 01.04.2022. The said provisions have thus been made applicable from 01.04.2022 and were not in force on the date when the accident took place i.e. 20.07.2020. No judgment has been cited before this Court to show that the said provisions would also apply to a case where the accident had taken place prior to the date when the said provisions had come into force.

8. Keeping in view the above-said facts and circumstances, this Court is of the opinion that the impugned order dated 07.02.2024 (Annexure P-8) passed by the Presiding Officer, MACT, Nuh, is legal and does not call for any interference and the present civil revision petition being meritless, deserves to be dismissed and is accordingly dismissed.

September 04, 2024
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	Yes