



THE HIGH COURT OF JUDICATURE AT MADRAS

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Order reserved on : 14.08.2025

Order pronounced on : 14.11.2025

CORAM

THE HON'BLE MR. JUSTICE P.B.BALAJI

CRP.No.973 of 2025
& CMP.No.5581 of 2025

The Assistant Manager (Legal TP Claims),
M/s.ICICI Lombard Insurance Company Limited,
No.142, 1st Floor, ECR Main Road,
Near Latha Steel House,
Kottupalayam,
Puducherry.

..Petitioner

Vs.

1.Susila
2.Linganathan

..Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India,
to set aside the order dated 13.06.2024 in I.A.SR.No.3306 of 2024 in
MCOP.No.969 of 2023 by the Principal Sub-Judge, Puducherry.

For Petitioner : Mr.R.V.Sivaraj

For Respondents : No appearance
Mr.S.Arun Kumar (*Amicus Curiae*)



ORDER

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The Insurance Company, aggrieved by the order in I.A.SR.No.3306 of 2024 in MCOP.No.969 of 2023 on the file of the Principal Sub-Judge, Puducherry, is the revision petitioner.

2.The 1st respondent as claimant had filed MCOP.No.969 of 2023 before the Principal Sub-Judge, Puducherry. The Insurance Company took out an application in I.A.SR.No.3306 of 2024 for rejecting the MCOP as having been filed beyond the statutory period of six months. The said application came to be rejected even at the SR stage itself, placing reliance on the decision of this Court in *Malaravan Vs. Praveen Travels Private Limited and others*, reported in 2023 ACJ 2062.

3.The 1st respondent/claimant, despite service of notice in this revision, has not chosen to appear before this Court. Hence, in order to ensure that no prejudice is caused to the claimant, before proceeding with the hearing of the revision on merits, with a view to safeguard and protect the interest of the claimant, I appointed Mr.S.Arunkumar as *amicus curiae*, to assist me in deciding the revision.



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4.Mr.R.V.Sivaraj, learned counsel for the petitioner/Insurance Company would first and foremost submit contend that the new provisions, namely the amendments brought into the Motor Vehicles Act, 1988 by Motor Vehicles (Amendment) Act, 2019 have come into force with effect from 01.04.2022. Inviting my attention to Section 166(3) of the MV Act, learned counsel for the petitioner would contend that pursuant to the amendment taking effect, there is a requirement for filing an application for compensation under the MV Act within a period of six months from the date of accident and no further extension is provided. Referring to the case on hand, learned counsel for the petitioner would state that admittedly, the accident occurred on 21.11.2022 and therefore, the claim for compensation ought to have been made on or before 19.05.2023, when six months time cross to a close. However, the 1st respondent has chosen to file the claim petition only on 15.06.2023, which is clearly barred by provisions of Section 166(3) of MV Act as amended by MV Amendment Act, 2019.

5.The learned counsel for the petitioner would further contend that pursuant to the amendments that have been brought about by MV (Amendment) Act, 2019, new Rules and Forms have also been introduced, along with



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Annexures and therefore, according to the learned counsel for the petitioner, without adhering to the amended provisions, the Tribunal has erroneously taken on file the claim for compensation and despite being brought to its notice by way of the interlocutory application and seeking to reject the MCOP, the Tribunal erroneously applying the ratio laid down in *Malaravan's case*, has rejected the application even at the numbering stage. The learned counsel for the petitioner also places reliance on the following decisions:

1. *Thomas Daniel & another Vs. Selvi and others* (CRP(MD).No.761 of 2024 dated 02.04.2024).

2. *Purohit & Company Vs. Khatoonbee & another* ((2017) 4 SCC 783).

3. *Jai Prakash Vs. National Insurance Co., Ltd., and others* ((2010) 2 SCC 607).

4. *Sultana Begum Vs. Prem Chand Jain* ((1997) 1 SCC 710).

5. *Popat Bahiru Govardhan Vs. Special Land Acquisition Officer* ((2013) 10 SCC 765).

6. *The Commissioner of Income Tax Vs. M/s.Taj Mahal Hotel* ((1971) 3 SCC 550).

7. *The Commissioner of Income Tax Vs. S.Chenniappa Mudaliar* ((1969) 1 SCC 591).

8. *Sabir Ali Vs. Anurag and others* (Misc.Appeal No.3175 of 2023 dated 21.09.2023).

9. *Bajaj Allianz General Ins. Co. Ltd., Vs. Virsin Muljibhai Khadiya and others* (C/SCA/12247/2024).

10. *Basawaraj and Another Vs. Special Land Acquisition Officer* ((2013) 14 SCC 81).

11. *Oil & Natural Gas Corporation Limited Vs. Gujarat Energy Transmission Corporation Limited and other* ((2017) 5 SC 42).

12. *Union of India Vs. M/s.Popular Constructions Co.,* ((2001) 8 SCC 470).



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13. *Dhanlal Vs. D.P.Vijayavargiya* (1996 SCC (4) 652).
14. *Gohar Mohammed Vs. U.P State Road Transportation Corporation* (2022 SCC Online SC 1769).
15. *Akshay Raj Vs. Ministry of Law and Justice Legislative Department* (2023 1 TNMAC 182 (Ker)).
16. *Santhi and others Vs. Suresh and another* (CRP.(PD).No.4066 of 2022 dated 07.12.2022).
17. *Malaravan Vs. Parveen Travels Limited* (Manu/TN/9688/2022).
18. *Vinod Gurdas Raikar Vs. National Insurance Company Limited* (1991 AIR (SCW) 2503).
19. *New India Assurance Company Limited Vs. Gopu* (2025 (1) TN MAC 694 (SC)).
20. *Hayatkhan and others Vs. Mangilal* (1971 AIR Madhya Pradesh 140).

Relying on the above decisions, the learned counsel for the petitioner/Insurance Company would therefore contend that the claim for compensation beyond six months was clearly barred by the statute itself and the Tribunal has committed a patent error in rejecting the application seeking dismissal of the claim petition on the ground that it is barred by Section 166(3) of MV Act.

6. Mr. S. Arunkumar, *amicus curiae*, would state that the period of limitation for filing compensation claims before the Motor Accident Claims Tribunal has been ambulatory. In the original legislation, namely MV Act, 1988,



under Section 166(3), the limitation period was six months, but extendable up to 12 months, upon sufficient cause being shown. However, in and by the 1994 amendment to the MV Act, the limitation period under Section 166(3) was omitted and thereby, there was no limitation for filing the claim for compensation before the Motor Accident Claims Tribunals. However, in and by 2019 amendment with effect from 01.04.2022, the original six months period that was fixed as limitation was reintroduced, with no further extension or condonation beyond six months being permissible. Mr.S.Arunkumar would invite my attention to introduction of Section 166(4) for the first time, in and by the 2019 amendment. Under Section 166(4), if the police files an accident report under Section 159 of the MV Act, then such accident report would automatically count as a compensation application.

7.Mr.S.Arunkumar, would further state that the very introduction of this proviso was with the laudable object of providing a safety net for victims of motor accidents or legal representatives of persons who die in motor accidents who may miss the six months dead line. Taking me through the history and evolution of the motor vehicle legislation in India, Mr.S.Arunkumar would state that the first enactment was during the British regime, namely Indian Motor



Vehicles Act of 1914. The said Act was amended by the Indian Motor Vehicles (Amendment) Act, 1920 and later Indian Motor (Amendment) Act of 1924 which was eventually replaced and superseded by the Motor Vehicles Act of 1939. Subsequently the Motor Vehicles Act of 1988, post independence was promulgated and came into effect on and from 01.07.1989.

8. According to Mr.S.Arunkumar, *amicus curiae*, the MV Act, 1988 is a comprehensive legislation which governs all features of road transport vehicles and the Act suffered an amendment in 1994 and again, major and significant amendments in and by Motor Vehicles (Amendment) Act 2019. The objects with which the MV (Amendment) Act, 2019 were brought about was on account of the alarming increase in road accidents in India and the necessity to ensure that the legislation keeps pace with modern vehicles, violations, usage, recommendations and interpretations of Courts and most importantly, speedy disposal of accident claims.

9. I have already discussed the manner in which the limitation period has underwent change, right from the inception of MV Act, 1988 up to the latest 2019 amendment which has come into effect on 01.04.2022. It is to be noted that



though the limitation period has been capped at six months, with no extension of time or condonation of time possible with the introduction of Section 166(4) r/w 159 casts further duties on the police department, owner, insurer as well as the Court. It is now mandatory for the police to submit a report consisting of various records, based on which, the Court can even act on its own motion in order to protect victims from technical flaws in claiming compensation and also doing away with intermediaries.

10.It is trite and settled law that wherever the legislation prescribes a particular time frame for filing a petition or application, then the Courts will have to strictly abide by the period of limitation prescribed under the statute. The Courts in the past had repeatedly held that no amount of hardship to a party can be a ground for relaxing the statutory period of limitation to give life to a time barred action. The Courts have also held that the law of limitation may harshly affect the party, but it has to be applied with all its vigor and Courts do not have the power to extend the period of limitation on equitable grounds.

11.The Hon'ble Supreme Court, in *Vinod Gurudas Raikar's case*, stated



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supra, has held that when the limitation filed a motor vehicle compensation claim in six months and extended to 12 months on sufficient cause being shown. The Hon'ble Supreme Court finding that the claim was lodged after three weeks from the coming into force of the new Act, held that the right or privilege to claim benefit of a provision for condonation of delay can be governed only by the law in force at the time of delay and the delay beyond the period of six months could not be condoned. Ultimately, the Hon'ble Supreme Court in the said decision dismissed the application for condonation of delay, finding that the delay beyond six months cannot be condoned.

12. Therefore, it is fairly stated by Mr.S.Arunkumar that with the (Amendment) Act, 2019 coming into force on 01.04.2022, specific time lines are prescribed for particular acts to be done/performed. He would refer to Annexure 13 which is extracted hereunder for easy reference:

ANNEXURE XIII

Procedure for investigation of Motor Vehicle Accidents has Rules 1 to 42 and Twenty Forms, TIME LINES

<i>TIMELINES FIXED IN THE FLOW CHART Provided under FORM II FORMS</i>	<i>DESCRIPTION</i>	<i>TIMELINES</i>



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<i>FORM I</i>	<i>FIRST ACCIDENT REPORT (FAR) (BY IO to the Claims Tribunal)</i>	<i>Within 48 hours</i>
<i>FORM II</i>	<i>Rights of Victims (By IO to Victims)</i>	<i>Within 10 days</i>
<i>FORM III</i>	<i>Driver's Form (By Driver to IO)</i>	<i>Within 30 days</i>
<i>FORM IV</i>	<i>Owner's Form (By Owner to IO)</i>	<i>Within 30 days</i>
<i>FORM V</i>	<i>Interim Accident Report (IAR) (By IO to the Claims Tribunal)</i>	<i>Within 50 days</i>
<i>FORM VIA</i>	<i>Victim's Form (By the Victim to IO)</i>	<i>Within 60 days</i>
<i>FORM VIB</i>	<i>Victim's Form (By the Victim to IO)</i>	<i>Within 60 days</i>
<i>FORM VII</i>	<i>Detailed Accident Report (DAR) (By IO to the Claims Tribunal)</i>	<i>Within 90 days</i>
<i>FORM XI</i>	<i>Insurance)By Insurance Company to the Claims Tribunal, if it accepts liability, the quantum offered to be mentioned)</i>	<i>Within 30 days from the date of submission of DAR</i>
<i>CLAIMANT to convey willingness to the Claims Tribunal</i>	<i>Within 30 days</i>	
<i>If the offer is accepted by the Claimant</i>	<i>Proceedings to be completed within Six months from the date of occurrence.</i>	
<i>If the offer of Insurance Company is not acceptable to the Claimant</i>	<i>Proceedings to be completed within Nine months from the date of occurrence.</i>	
<i>If the Insurance Company does not accept liability</i>	<i>Proceedings to be completed within Twelve months days from the date of occurrence.</i>	



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13.Mr.S.Arunkumar would state that the victims, even if they are the injured themselves as claimants or legal representatives of the deceased persons who lost their lives in motor accidents, may not be in a position to approach the Court within six months period owing to multifarious, genuine and acceptable reasons. In this regard, Mr.S.Arunkumar would state that though the six months statutory period of limitation is inflexible, a window is made open to still claim compensation, in view of the amendments brought about by introduction of Section 166(4).

14.After I have reserved orders in the above revision, the Hon'ble Supreme Court in *ICICI Lombard General Insurance Co. Ltd Vs. Ayiti Navaneetha and others* in *Special Leave to Appeal (C) Nos.8412-8413 of 2023* dated 04.11.2025, has passed the following order:

“.....2.This Court has been informed that there are a number of petitions across the country filed on the same issue and any finding recorded by this court would have bearing on the pending petitions. In that view of the matter, the hearing of these matters requires to be expedited.....

5.It is made clear that during the pendency of these petitions, the tribunal or the High Courts shall not dismiss the claim petitions on the ground of such petitions as barred by limitation as prescribed under sub-section (3) or Section 16(3) of the Motor Vehicles Act, 1988.”



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15. In view of the above order, I see no necessity to decide the present civil revision petition, which is only in furtherance of an application filed by the revision petitioner to reject the MCOP itself which came to be returned by the Court. As the Hon'ble Supreme Court has directed that no Court shall dismiss the claim petitions invoking the bar of limitation, no useful purpose is served by entertaining the present revision petition. The order which is going to be passed by the Hon'ble Supreme Court in the aforementioned case would decide the fate of the maintainability of the claim petition in the instance case as well.

16. In the light of the above, the Civil Revision Petition is dismissed and the MCOP.No.969 of 2023 on the file of the Principal Sub-Judge, Puducherry, shall be proceeded with and any further orders or decisions by the Tribunal shall be subject to the decision of the Hon'ble Supreme Court in the aforementioned case referred herein above.

17. Before parting, I have to place on record my sincere appreciation to Mr.S.Arun Kumar, who has been appointed as Amicus Curiae. Mr.S.Arun Kumar has been of invaluable assistance and has also been fair in making his



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submissions, protecting the interests of the claimants, who have not chosen to appear before this Court in the above revision petition.

18. In fine, the Civil Revision Petition is dismissed. There shall be no order as to costs. Connected Civil Miscellaneous Petition is closed.

14.11.2025

Speaking/Non-speaking order

Index : Yes/No

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To

The Principal Sub-Judge, Puducherry



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P.B.BALAJI.J,

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Pre-delivery order made in
CRP.No.973 of 2025
& CMP.No.5581 of 2025

14.11.2025