



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

C. R No. 4765 of 2025 (O&M)

Date of decision : 28.07.2025

Iffco Tokio General Insurance Co. Ltd.

....Petitioner

versus

Sandeep and anr.

...Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Preet Harinder Singh Pannu, Advocate
for the petitioner.

SUDEEPTI SHARMA, J. (Oral)

1. Present petition has been preferred against order dated 06.05.2025 passed by learned Motor Accident Claims Tribunal, Rewari in a case bearing MACP/181/2023 titled as '***Sandeep vs. Ranjeet Singh and anr.***', whereby application under Order 7 Rule 11 of CPC read with Section 166 (3) of the Motor Vehicles Act, 1988 filed by the petitioner-Insurance Company has been dismissed by the learned Tribunal.

2. Learned counsel for the petitioner contends that the petitioner filed an application under Order 7 Rule 11 of CPC read with Section 166 (3) of the Motor Vehicles Act, 1988 seeking dismissal of the claim petition on the ground of limitation. However, the learned Tribunal, vide order dated 06.05.2025 dismissed the application of the petitioner by wrongly relying upon the judgment of Kerala High Court in a case titled as '***Akshay Raj vs Ministry of Law and Justice Legislative Department and others, 2023 (1) Ker L.J. 629***' wherein, it is held that the claim petitions filed beyond the period of six months, cannot be dismissed in '*limine*'.

3. He further contends that SLP bearing Diary No. 22696/2023



titled as '*Universal Sompo General Insurance Company vs. Akshay Raj and others*' was filed against the judgment passed by Kerala High Court in a case titled as '*Akshay Raj vs Ministry of Law and Justice Legislative Department and others, 2023 (1) Ker L.J. 629*' and Hon'ble the Supreme Court had stayed the operation of above referred to judgment of Kerala High Court. He, therefore, prays that the present petition be allowed and impugned order be set aside.

3. I have heard learned counsel for the petitioner and perused the whole file of this case.

4. Since the operation of judgment (*Akshay Raj vs Ministry of Law and Justice Legislative Department and others, 2023 (1) Ker L.J. 629*) relied upon by the learned Tribunal in dismissing the application filed by the petitioner, has already been stayed by Hon'ble the Supreme Court, vide SLP (Civil) Diary No. 22696/2023, therefore, the impugned order is liable to be set aside.

5. Resultantly, the present revision petition stands allowed and order dated 06.05.2025 passed by learned Motor Accident Claims Tribunal, Rewari is set aside. The matter is remanded to the learned Tribunal to decide the application filed by the petitioner under Order 7 Rule 11 of CPC read with Section 166 (3) of the Motor Vehicles Act, 1988 afresh, in view of the latest position of law.

28.07.2025

Gaurav Arora

(SUDEEPTI SHARMA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No