GAHC010211312024

2026:GAU-AS:16731

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : MACApp./228/2026

JURI SARMA @ KALITA @ JURI SARMA KALITA
W/O. MINTU KALITA, R/O. VILL.-ALEGJAN, P/O. AND P/S. CHHAYGAON, DIST.- KAMRUP, ASSAM.

VERSUS

BAPPI ALI AND 2 ORS
S/O. AMZAD ALI,, R/O. VILL.- HATIPARA, P/O AND P/S. CHHAYGAON, DIST.- KAMRUP, ASSAM, PIN-781124.

2:SAIZUDDIN ALI
S/O. AKBAR ALI
R/O. VILL.-BILASIPARA
WARD NO.-8
P/O. AND P/S. BILASIPARA
DIST.- DHUBRI
ASSAM
PIN-783348.

3:REGIONAL MANAGER
NEW INDIA ASSURANCE CO. LTD.
1ST FLOOR
NILGIRI MANSION
G.S. ROAD
SATSANG VIHAR
BHANGAGARH
GUWAHATI-781005
DIST. KAMRUP (M)
ASSAM

Advocate for the Petitioner : MR. A BHATTACHARYYA,

Advocate for the Respondent : , MS L SHARMA(R-3),A K BHATTACHARYYA(R-3)

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 13.11.2026

1. Heard Mr. A. Bhattacharyya, learned counsel for the appellant. Also heard Mr. K. K. Bhatta, learned counsel for the respondent No.3.

2. This is an appeal under Section 173 of the Motor Vehicle Act challenging the Judgment and Order dated 11.06.2024 passed in MAC Case No.80/2023 by the learned Member Motor Accident Claims Tribunal, Kamrup at Amingaon.

3. By the impugned order, the Claim Application was dismissed because it was filed after expiry of six months.

4. Learned counsel for the appellant has placed reliance upon the judgment dated 18.02.2026 passed by this Court in CRP(IO) No. 111/2024. Paragraphs 78(I), (J), (L) and (M) of the said judgment are reproduced hereinbelow:

(i). The power to entertain by the Claims Tribunal being restricted by Section 166(3) of the Act of 1988 only to claim application filed within six months from the date of occurrence of an accident, the Claims Tribunal cannot entertain a Claim Application filed in terms with Section 166 (1) of the Act of 1988 if not filed within six months from the date of occurrence of the accident.

(ii). Section 166(3) of the Act of 1988 though limits the jurisdiction of the Claims Tribunal to entertain claim application filed under Section 166(1) of the Act of 1988, if not filed within six months of the occurrence of an accident, but by virtue of Section

149 and Section 166(4) of the Act of 1988, the Claims Tribunal continues to retain the jurisdiction over the motor vehicle accident claims concerning a motor vehicle accident which occurred within the jurisdiction of the Claims Tribunal.

(iii). The necessity of the claimant to file the Claim Application after the period of six months of the occurrence of the accident would only arise in circumstances when the Insurance Company or the Investigating Officer or the Claims Tribunal do not perform their duties/responsibilities as cast upon them by law. Under such circumstances, as the Claims Tribunal retains jurisdiction over all motor vehicle accidents occurred within its jurisdiction, till the statutory obligations/duties cast upon the Authorities/Insurance companies/Claims Tribunal are complied with, the Claims Tribunal is required to treat the claim application filed beyond the period of six months from the date of occurrence of the accident as a complaint of the claimant for non-performance of the duties reposed upon the Insurance Company/Investigating Officer as well as the Claims Tribunal.

For the sake of clarity, it is mentioned that a claim application filed beyond the period mentioned in Section 166(3) of the Act of 1988 cannot be treated as a claim application. It can only be treated as an application bringing forth to the notice of the Claims Tribunal that the Insurance Company/Investigating Officer as well as the Claims Tribunal have failed to perform its statutory duties reposed upon them by law.

(iv). Upon filing of a claim application beyond the period prescribed in Section 166(3) of the Act of 1988, the Claims Tribunal shall treat the same as a Complaint and enquire upon the Investigating Officer and/or the Insurance Company by issuing Notice as to why the duties and obligations cast upon them by law have been complied with.

5. The accident took please within the jurisdiction of the Trial Court. The

question is how the delay occurred in receiving the Form 54 by the appellant.

6. For the aforesaid reasons, the Appeal is allowed.

7. The impugned order dated 11.06.2024 is set aside. The case is remanded to the Tribunal to make an enquiry about the reasons for delay in receiving the Form 54 by the appellant.

8. With the aforesaid direction, this Appeal stands disposed of.

JUDGE

Comparing Assistant