

02.01.2026
Ct. No. 06
Sl. No.19
skg

C.O. No. 3564 of 2025

Rahima Bibi & Ors.

Vs.

Magma HDI General Insurance Company Ltd. & Anr.

Mr. Ashique Mondal,

Mr. Shahmeraz Alam,

...for the petitioners

1. Affidavit of service is taken on record.
2. Petitioners are aggrieved by the order dated August 8, 2025 passed by learned Judge, Motor Accident Claims Tribunal, Additional District Court, 4th Court, Purba Medinipur at Tamluk in M.A.C. Case No. 745 of 2023.
3. Mr. Singh appears on behalf of the insurance company. None appears on behalf of the owner of the vehicle, despite service.
4. The question which fell for a decision before this court is whether an application under Section 166 of the Motor Vehicle Act could be rejected by the learned Court as being time barred, in the midst of a similar issue being heard by the Hon'ble Apex Court.
5. In the decision of ***Bhagirathi Dash v. Union of India & Anr. (Writ Petition(s) Civil No. 166 of 2024)***, the Hon'ble Apex court directed that the pendency of the issue before such Court, as to the jurisdiction of the M.A.C. Tribunal to condone delay beyond six months,

would not come in the way for the learned Tribunals to proceed in accordance with law. The judgment however shall not be finalized.

6. In such view of the order passed by the Hon'ble Apex Court, the learned Judge, Motor Accident Claims Tribunal is directed to proceed with the matter on its own merits but the final judgment shall not be passed.
7. The maintainability of the proceeding before the Tribunal and all orders passed therein, will be subject to the decision of the Hon'ble Apex court on the issue of limitation.
8. The revisional application is disposed of.
9. There shall be no order as to costs.

(Shampa Sarkar, J.)