33
Regular

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT SRINAGAR

Mac App 27/2024
c/w i)Mac App 16/2024

ABDUL RASHID RATHER AND ORS ….. Petitioner(s)

Through: Mr. Shafaqat Nazir, Adv.
Mr. Hashir Shafiq Khan, Adv.
Ms. Sabreena Bashir, Adv.

V/s

ICICI LOMBARD AND ORS. ….. Respondent(s)

Through: Mr. Imtiyaz Ahmad, Adv..

Coram:
Hon'ble Mr. Justice Rajnesh Oswal, Judge

ORDER
21.10.2026

Mac App No. 16/2024:

1. Mr. Imtiyaz Ahmad, Advocate appearing on behalf of Bajaj Allianz General Insurance Company Limited submits that in view of the amendment made in Section 166 of the Motor Vehicle Act, the matter be remitted to the learned MACT, Srinagar.
2. A perusal of the order impugned reveals that the vehicular accident took place on 11.05.2022 and the claim petition came to be filed by the claimants on 12.04.2023 and the learned

MACT, Srinagar dismissed the claim petition in view of limitation of six months provided for filing the claim petition in terms of Section 166 of the Motor Vehicle Act. Since Section 166 of the Motor Vehicle Act has been amended and the claimants have been permitted to file claim petition within a period of 12 months on demonstrating the sufficient cause for not filing the claim petition within a period of six months, the order impugned dated 26.02.2024 is set aside and the matter is remitted to the learned Tribunal to consider the matter afresh in accordance with law after affording opportunity of hearing to the parties. Parties to appear before the learned Tribunal on 16.11.2026.

3. Disposed of ass above.

Mac App No. 27/2024:

4. In terms of order impugned, the claim petition preferred by the claimants on 31.03.2023 for seeking compensation on account of vehicular accident occurred on 27.08.2022, was dismissed on the ground that the claim petition was filed after a period of six months as provided under Section 166 of the Motor Vehicle Act.

5. Learned counsel for the appellants submits that Sub Section (3) of Section 166 of the Motor Vehicle Act has been amended and the Tribunal has been vested with powers to entertain the claim petition before one year provided claimant(s) demonstrate(s) the sufficient cause for not making application for grant of compensation within a period of six months.
6. In view of the amendment made in Sub Section (3) of Section 166 of the Motor Vehicle Act, this petition is allowed and the order dated 11.06.2024 is set aside and the matter is remitted to the learned Tribunal and the learned Tribunal shall consider the application afresh after affording opportunity of hearing to the contesting respondents therein. Parties to appear before the learned Tribunal on 16.11.2026..
7. Disposed of as above.

(Rajnesh Oswal)
Judge

SRINAGAR
21.10.2026
Aasif