



WEB COPY

CRP No.4786 of 20--



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-03-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 4786 of 2025 and CMP No.24200 of 2025

1. ICICI Lombard Insurance
Company Limited
TP Investigation, No.84/85, Walltax
Road, First Floor, Arihant Plaza,
Chennai - 03.

Petitioner(s)

Vs

1. H.Megala
No.54, Venugopal Swamy Koil Street,
Kammavarpalayam, Perumbedu,
Thiruvallur District, Tamil Nadu - 601
204.

2.H. Preethi (Minor)
Rep by mother and next friend, H.
Megala, No.54, Venugopal Swamy
Koil Street, Kammavarpalayam,
Perumbedu, Thiruvallur District,
Tamil Nadu - 601 204.

3.H. Janani (Minor)
Rep by mother and next friend, H.
Megala, No.54, Venugopal Swamy
Koil Street, Kammavarpalayam,
Perumbedu, Thiruvallur District,
Tamil Nadu - 601 204.

1/6



CRP No.4786 of 20__

4.Kanagammal
No.54, Venugopal Swamy Koil Street,
Kammavarpalayam, Perumbedu,
Thiruvallur District, Tamil Nadu - 601
204.

5.S. Srinivasan
No.54, Venugopal Swamy Koil Street,
Kammavarpalayam, Perumbedu,
Thiruvallur District, Tamil Nadu - 601
204.

6.P. R. Mani
No.45/373, Mettu Street, (Perumbedu
Post), Ponneri Taluk, Chennai, Tamil
Nadu 601 204.

Respondent(s)

Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 23.01.2025 passed in MP No.01 of 2024 in MCOP No.1457 of 2024 passed by MACT (Spl.Sub Court No.1, Small Causes Court, Chennai).

For Petitioner(s): MR.R.V.Sivaraj

For Respondent(s): Mr.F.Terry Chella Raja
For Mrs.M.Malar For RR1 To
5
Mr.Ralph V. Manohar For R6

ORDER

Challenging the impugned order passed by the Motor Accidents Claims Tribunal (Special Sub Court No.1, Small Causes Court_, Chennai in



CRP No.4786 of 20--

MP No.1 of 2024 in MCOP No.1457 of 2024, the second respondent Insurance Company in MCOP No.1457 of 2024 has preferred the above revision.

2. Before the trial court, the second respondent Insurance Company filed a petition under Section 166 (3) of the Motor Vehicle (Amendment) Act, 2019 read with Order VII Rule 11(d) and Section 151 of Civil Procedure Code to reject the claim petition in MCOP No.1457 of 2024 as the claim petition filed by the claimant is not maintainable as it is a time barred one stating that it was not filed within six months from the date of the accident.

3. On hearing both sides, the trial Judge has dismissed the petition holding that there is no delay occurred in filing the First Information Report and also there is no delay in filing MCOP No.1457 of 2024 and therefore, the petition filed to reject the claim petition is not maintainable and dismissed the petition by relying upon the decision of this Court in ***Malarvan vs Praven Travels Private Limited and Others dated 2023(2) TNMAC 416 (CRP No.2558/2023)***. Aggrieved over the same, the present revision is filed.

3/6



WEB COPY

CRP No.4786 of 20__



4. Learned counsel for the revision petitioner/insurance company submits that as per the New Amended Act, the application filed by the claimant is time barred one and the trial Court failed to take note of the same and erroneously held that the First Information Report was not filed with delay, but however, there is a delay in filing FIR, but it was not properly appreciated by the trial Court.

5. Learned counsel for the claimants submits that the policy was availed by the insurer before the New Act and as per the old Act the claim petition was filed in time and therefore, the reasons assigned by the trial judge is maintainable.

6. I have considered the submissions made by the learned counsel on either side and perused the materials available on record.

7. According to the revision petitioner, as per the New Act, the application is time barred , but the claimants state that the application was filed within time. Both the defences have to be proved after full fledged trial and not by mere allegations. Therefore, the reasons assigned by the trial

4/6



CRP No.4786 of 20_

Judge do not require any interference.

WEB COPY

8. Accordingly, the civil revision petition is dismissed granting liberty to raise all the defence before the trial Court.

9. Since the accident had occurred on 13.09.2022, the trial Court is directed to dispose of MCOP No.1457 of 2024 on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order after affording opportunity to both the parties.

No costs. Consequently, connected miscellaneous petition is closed.

23.03.2026

sr

Index:yes/no

Website:yes/no

Speaking Order/Non-Speaking Order

To

The Motor Accidents Claims Tribunal
(Special Sub Court No.1), Small Causes Court, Chennai

5/6



WEB COPY



CRP No.4786 of 20_

T.V.THAMILSELVI,,J

sr

CRP No. 4786 of 2025

23.03.2026