

In the Court of Sudhir Sinha, District Judge-II, Jamui

Claim Case No.- 37/2017

21.08.2025

The record is today put up for order on petition dated 17.10.2024 filed on behalf of applicant, the rejoinder to which has been filed on 13.11.2024.

The Id. Counsel for the applicant has submitted that the instant case has been filed under Section 166 of Motor Vehicles Act 1988. But the offending vehicle could not be traced, hence the case falls under Section 163(A) of Motor Vehicles Act 1988. It is essential to substitute Section 163(A) in place of Section 166 to facilitate the fixation of compensation amount. In such view the Id. Counsel prayed to allow the petition dated 17.10.2024.

The Id. Counsel for the OP No.-3 to 5 vide rejoinder dated 13.11.2024 has opposed the applicant's petition dated 17.10.2024 and submitted that the instant case is posted for argument since long but unfortunately it was not completed uptill now. This petition has been filed to linger the case. The present claim case does not come under the ambit of third party risk. The petition filed by the claimant will change the nature of present case. For the ends of justice the petition filed by the claimant may kindly be dismissed. The Id. counsel in such view prayed to dismiss the petition dated 17.10.2024.

The Court finds that proper adjudication of this MACT case can only be done. If the claim is decided as per provision u/s-163(A) of Motor Vehicles Act 1988 as the offending vehicle could not be traced. The provision under Rule 246(5) &(6) of Bihar Motor Vehicles Rules, 1992 also ordains that the Claims Tribunal shall not reject any application made under this rule on the ground of any technical defect, but shall give notice to the applicant and get the defect rectified. Therefore applying the Rules and invoking power under section 151 of the CPC, the petition dated 17.10.2024 is allowed. The said correction will not change the nature of MACT case. Office is directed to substitute the Section 163(A) in place of Section 166 of the Motor Vehicles Act 1988 in the Claim Application, within the stipulated time.

Record to be fixed on 11.09.2025 for necessary substitution.

Dist & Addl. Judge-II