

Misc DJ 442/24
JITENDER KUMAR Vs. VINOD KUMAR

Misc DJ 443/24
NITIN Vs. VINOD KUMAR

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KARAN BHARDWAJ Vs. VINOD KUMAR

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DHANWATI Vs. VINOD KUMAR
22.09.2025

Present : Sh. Manoj Goel, Ld. Counsel for claimants in Misc DJ Nos. 442/24, 443/24 & 444/24.
Sh. Jaivinder Yadav, Ld. Counsel for claimant in Misc DJ No. 445/24.
None for owner.
Ms. Sunanda Nimisha, Ld. Counsel for Insurance Company through VC.

An application under Order 7 Rule 11 CPC filed by the Insurance Company is pending for arguments.

Ld. Counsel for Insurance Company submits that the present petition has been filed almost after two years from the date of accident and therefore, the same is barred by limitation. However, Ld. Counsel for claimants submits that the accident took place on 19.10.2022 within the jurisdiction of this Tribunal and consequently, the FIR No. 72/2022 under Sections 279/337/338/304-A IPC was registered at PS Delhi Cantt., pursuant to which the DAR has been filed on 09.02.2024. However, in the meanwhile, the police also sent copy of FAR and IAR to this Tribunal.

Ld. Counsel for claimants has relied upon the judgment

of Hon'ble High Court of Madras in case titled as **Malaravan Vs. Praveen Travels Private Limited, 2023 LawSuit (Mad) 1173** and submits that as per Section 166(4) MV Act, if any report of the accident is forwarded to the Court under Section 159, the same shall be treated as an application for compensation and now it has become mandatory duty of the police to send a report. He further submits that the provisions under Section 166(4) of the MV Act does not speak about the IAR, FAR and DAR, but speaks about any report that has been sent by the police.

Heard. It is contended that the present claim cannot be treated as time barred in view of Judgment of Hon'ble High Court of Madras as filing of any report of accident under Section 159 is treated as an application for compensation and Section 166(4) MV Act do not speak about FAR, IAR and DAR, but only about any report sent by the police. Even if any FIR is sent by the police to the Tribunal, the same should be treated as claim petition.

Hence, the present DAR along with previous FAR and IAR to be considered collectively for the purpose of limitation. Accordingly, the present claim is not barred by limitation. Application stands dismissed.

List the matter for filing of written statement/reply on behalf of respondents as well as for framing of issues on **03.11.2025**.

(Ajay Kumar Jain)
Judge / PO, MACT-01
New Delhi/22.09.2025