

ⁱCNR No: PBPT010108652022

CIS No: MACP/262/2022

PARAMJIT KAUR VS SATNAM SINGH

Present: Sh. Rupinder Singh Rana, Advocate for the claimants.
Sh. Nirmal Singh, Advocate for respondent no. 1 & 2.
Sh. DPS Anand, Advocate for respondent no. 3.

1. Arguments upon the application dated 17.8.2023 filed by the respondent No.3 Insurance Company have been heard. Through this application, it has been submitted that admittedly the accident in the present case took place on 4.12.2021 at 6 p.m. whereas the present claim petition has been filed on 7.10.2022 i.e. after the expiry of period of limitation as prescribed under Section 166 (3) of the Motor Vehicle Act. Further it has been submitted that there is no provision under the Motor Vehicles Act for extension of limitation or for applying the provisions of limitation Act 1963. The present claim petition is liable to be dismissed as per the recent authority of Hon'ble Supreme Court. Also U/s-166(3) of the Motor Vehicle Act, it is specifically mentioned that no application for compensation under the act shall be entertained unless it is made within 6 months of the occurrence of the accident, thus, the present claim petition on the face of it, is not maintainable and is liable to be dismissed. Hence, the present application.

2. In reply to the said application, the claimant has taken preliminary objections that the amended provision of Section 166 (3) of Motor Vehicles Act providing limitation of six months period from the date of accident is not applicable to the present case because in the case in hand, the accident took place on 4.12.2021. Whereas the amended provision of Section 166 (3) of Motor Vehicles Act came into force

w.e.f. 1.4.2022. Moreover, applicability of said provision is prospective and not retrospective. On merits, it has been submitted that admittedly the accident in question took place on 4.12.2021 and the present claim petition has been filed on 6.10.2022. But the present claim petition has not been filed after the expiry of limitation as alleged by the respondent No.3. Therefore, prayer has been made for dismissing the present application being without any merit.

3. After taking into consideration the relevant submissions made on behalf of both the parties, it has been observed by this Court that the amended provision of Section 166 (3) of the Motor Vehicles Act came into force w.e.f. 1.4.2022 wherein it provided the limitation of six months for filing the claim petition and the said period of six months is to be calculated from the date of accident. However, admittedly the accident in question has taken place on 4.12.2021. The amendment in the Motor Vehicles Act does not go to suggest in any manner that the amendment is retrospective in effect. In absence of any specific mentioning of the retrospective effect of the amended provision, the amended provision is certainly to be taken to be having perspective effect from 1.4.2022 and not before that date. Accordingly, since the alleged accident had taken place before coming into force of the present amended provision under Section 166 (3), Motor Vehicles Act, therefore, the limitation period of six months provided in the said provision is certainly not applicable in the present case where the accident had taken place before the coming into force of the said amended provision.

4. As a result of the above discussion, the application in hand being without any merits, stands dismissed. Respondents are directed to file their written statement on the next date of hearing i.e. 18.11.2025.

Pronounced in the open
Court on 24.10.2025

(Sucheta Ashish Dev)
Motor Accident Claim Tribunal,
Patiala/UID No.PB0261

Dilpreet Singh