

MACT 74/24
RAJESH KUMAR SHARMA (LRS OF DECEASED RAJAT)
Vs. PAPPU KUMAR

24.10.2024

Present: Sh. Ajay Khatana, Ld. Counsel for petitioners.
Sh. Sahil Kumar Gahlwat and Ms. Anu,
Ld. Counsels for driver and owner.
Ms. Neha Bajaj, Ld. Counsel for insurance co.

In the WS filed by the insurance company, issue of limitation has been raised on the ground that DAR has been filed six months after the accident.

Heard. Record perused.

In the present case, the accident took place on 13.07.2023 and FAR was received on 21.07.2023, DAR was filed on 19.01.2024. In the judgment of “**Gohar Mohammad Vs. Uttar Pradesh State Road**” in Civil Appeal No. 9322 of 2022 decided on 15th December, 2022, the Hon’ble Supreme Court observed as follows;

“49 In our view, the procedure carved out under Section 149 of the Amendment Act is de novo on filing the FAR before the Claims Tribunal and Tribunal is required to register such proceedings as Miscellaneous Application. On filing IAR and DAR by the police officer within the time as specified, it shall be made part thereof. If the claimant(s) has not opted for taking recourse under Section 166(1) within the time limit of six months, such Miscellaneous Application may be treated as an application under Section 166(4) of M. V. Amendment Act and be adjudicated in accordance with law ”.

Hence, in the case in hand, applying the law laid down as above in the aforesaid judgment since FAR was filed within six months of the accident, the petition cannot be set to be barred by limitation. Accordingly, the preliminary issue on limitation stands decided.

Since in the connected matter, WS has not been filed by the insurance company, put up for framing of issues on **22.11.2024**.

(Richa Manchanda)
Judge MACT-2 (North)
Rohini Courts, Delhi/24.10.2024