
ORDER BELOW EXH.1
IN
M.A.C.M.A. (FOR DELAY) No.48/2021

(1) Present application has been preferred by the applicant Subaliben Kanubhai Machhar for condonation of delay occurred in filing the Motor Accident Claim Petition as she met with an accident and sustained severe injuries. After filing this application, notice served upon the opponent. On behalf of the opponent Nos. 1& 2 learned Advocate Mr.R.S.Patel appeared and on behalf of the opponent No.3 learned Advocate Mr.A.B.Raval appeared.

(2) Heard. I have perused the entire record. It appears that the applicant met with an accident and she sustained severe injuries and applicant is required to file this claim petition within stipulated period. It appears from the record that applicant met with an accident on 03.08.2020. Firstly, the cause of action for filing the claim petition arose under the Act, which has not provided any limitation at the relevant time. In other words, the cause of action for filing the claim petition arose during the time of pre-amended period. The amendment in the Motor Vehicle Act, 1988 in 2019, the Legislature has introduced the limitation u/s. 166(3) of the Act to file application within six months of occurrence of the accident, though the amendment is applicable from 01.04.2022. Section 166(3) of the Act is amended and has been made effective from 01.04.2022 and therefore, amended in

section 166(3) of the Act cannot be applied retrospectively to the accident which took place on 30.08.2020.

(3) As per the judgment delivered by the Honourable High Court in R/Special Civil Application No.8089 of 2024, in this judgment Honourable High Court has held that amendment in M.V.Act cannot be applied retrospectively and therefore, applicant was not required to file the delay condotion application. Hence, I pass the following order.

ORDER

1. Registry is directed register claim petition filed by the applicant. Applicant is also directed to remain present before this Tribunal for early hearing of claim petition.
2. No order as to costs.

Pronounced in the open Court, today, on this 13th Day of **March, 2026.**

Dt.13/03/20265
Place : Limkheda

[MINAXI MAHESH SONI]
MOTOR ACCIDENT CLAIMS TRIBUNAL
CLAIMS (AUX), Dahod at Limkheda
[Code No.GJ 00740]