
**Order below Exh.17 in
M.A.C.P No. 223 of 2025**

1. Present application is preferred by the Opponent No.3 - Insurance Company that the present claim petition is not filed within six months from the date of accident as required under newly added Section 53(iii) of the M.V.Act. The Ld. Advocate on behalf of the Opponent No.3 - Insurance Company has submitted that as per the amended provisions of the Motor Vehicles Act, the claim petition shall be filed within six months from the date of accident. It is mandatory provision therefore, the present claim petition is not filed within the stipulated period, therefore, it may be dismissed in view of the limitation provided by the relevant provision of Motor Vehicles Act.
2. On the other hand, the Id. Advocate of claimant has objected the same. The Id. MACT (Aux.), Panchmahals, at Godhra has allowed the condonation of delay of two days. In view of above the present application is not required to be entertained. and has requested to reject the application.
3. After hearing the arguments of both side and perusing the relevant records, it reveals that the claimant has filed an application bearing No.594/2024 for condonation of delay of two days, which was allowed by the MACT (Aux.), Panchmahals, at Godhra vide common order dtd.28.03.2025. Thus, the issue regarding the delay is already decided. At the same time, this Court is of the considered view that technicality should not prevail over

substantial justice and the applicant should not be deprived off their rights of proving his case on merits. It is also to be noted that if the delay is not condoned, in that event the applicant will have to bear irreparable loss, whereas there shall be no harm or prejudice to the other side in the event of allowing this application. Thus, in my view, hence, considering all facts and relevant provision and delay issue already decided by the Id. MACT(Aux.), Panchmahals, at Godhra, the application is not required to be allowed, I pass the following order:-

ORDER

The present application is hereby disallowed.

Dictated, signed and pronounced in the open Court today,
i.e. on this 2nd day of April, 2026.

Date: 02.04.2026

Place: Godhra.

(Chandrapalsingh K. Chauhan)

Motor Accident Claims Tribunal (Main)

Panchmahals at Godhra

Judge Code : GJ00513