

ORDER ON IA.NO.II

The instant application is filed by the petitioner under Section 5 of Limitation Act for condoning the delay of 57 days in filing the petition.

2. It is stated in the accompanying affidavit sworn by the petitioner that the accident is occurred on 07-03-2022 and he was under treatment in the hospital for the injuries sustained in the accident and he was not having any legal

knowledge about the filing of petition. Hence, he approached to the council by delaying in filing the petition. The delay is not intentional and deliberate one. Hence, prays to allow the application. The application is opposed by the Ld Council for the respondent No. 2 stating that as per the amended provisions of IMV Act 1988, petition for compensation shall be made within six months from the occurrence of the accident. The present petition has been filed after six months of the accident. Hence, prays to reject the application.

- 3.** Heard both sides.
- 4.** Perused the materials on record.
- 5.** It is undisputed fact that the alleged accident is occurred on 07.03.2022 and the petition is filed on

21.10.2022. Hence, there is a delay of more than one month in filing the petition for compensation.

6. On further perusal of the materials on record. The petitioner was under treatment for the injury sustained in the accident and he is a layman doing coolie work. Though there is a provision for filing the petition within six months from the date of accident. But this question has been come up before the Hon'ble High Court of Madras in the case, Malaravan v. Praveen Travels Pvt. Ltd. and others decided on 18.08.2023. The Hon'ble High Court of Madras held that, in view of the amendment provisions, the police officers shall send the FIR, interim accident report, First accident report to the Tribunal and the Tribunal shall take up the said report as a claim petition. In other words, the claim petition is only a reminder to the Tribunal to perform

his duty Under Rule 21, Annexure XIII of Central Government's Rules to process the claim petition and also held that the petition filed under Section 166(4) is a reminder to the Court for a plea just as a compensation to take up the application for trial. Further there is no inordinate delay in filing the present petition. Hence, by relying above said decision and facts and circumstances of the case, it is just and proper to allow the application. Being that opinion, I proceed to pass the following:

ORDER

I.A No.II filed by the petitioner under Section 5 of Limitation Act, is hereby allowed by condoning the delay in presenting the petition.

For enquiry U/Sec. 89 of CPC.

Call on 11.06.2025.

I Addl.Sr.C.J.Gokak

