

MACT No. 559/2024
Saurav Vs. Prakash & Ors.

27.02.2025

Present : Ms. Savita, Ld. Counsel for petitioner.
Sh. Sanjay Kumar, Ld. Counsel for respondent no.3/Insurance
Company.
None for respondent no. 1 & 2.

An application was filed u/s. 166(3) of M.V. Act r/w Order VII rule 11 CPC and Sec. 151 CPC seeking dismissal of petition on the ground of limitation. Copy supplied.

The application is premised on the fact that the accident occurred on 16.01.2024 and the IO has filed the DAR on 26.07.2024 after a period of 06 months and 10 days which is beyond the prescribed period of limitation. It is submitted that as per the aforesaid Section, no application for compensation shall be entertained unless it is made within six months of the occurrence of the accident. It is prayed that the petition may be dismissed.

The application is opposed on behalf of petitioner submitting that petition was filed on 05.02.2024 immediately after the accident. It is submitted that the delay has occurred in filing of DAR on behalf of IO and same be disregarded as the right of the claimant can not be dismissed on account of delayed investigation.

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Heard. Perused.

I find force in the arguments of Ld. Counsel for petitioner and considering the same, the application is disposed off as not allowed.

Put up on 08.04.2025 for filing of reply on behalf of respondents with advance copy to the opposite party.

(DR. PANKAJ SHARMA)
PO, MACT-02, CENTRAL DISTRICT,
TIS HAZARI COURTS, DELHI
27.02.2025(A)