

ORDER ON IA NO:2.

When the matter was posted for petitioner's evidence on 09-08-2023, the R 2 filed this application U/o 7 R 11 R/w. Sec. 151 of CPC and Sec. 166 (3) of IMV Act praying to reject the petition having filed 6 months belatedly from the date of accident.

2. In the affidavit one Santhosh Tegur a Legal Manager of R 2 Co., stated that, alleged accident was held on 06-02-2022 whereas present petition is filed on 17-12-2022. As per Sec.166(3) of IMV Act, 6 months limitation is prescribed for filing the claim petition from the date of accident. Since the petitioner failed to file within 6 months, the petition is liable to be rejected and prays to allow the application.

3. The counsel for the petitioner filed objections to the application contending that, the application is not maintainable. Eventhough the accident was held on 06-02-2022, the IO submitted charge sheet in June-2022. After filing the charge sheet the petitioner filed present petition which is well within the time. On these among other

grounds, the petitioner prays to dismiss the application.

4. The Points that arise for consideration are,

1. Whether the R 2 proves that, the petition is liable to be rejected since filed beyond 6 months from the date of accident in view of Sec.166(3) of IMV Act ?

2. What order?

5. Heard. Perused the records. My answers to the above points are

POINT N0:1. : In the ***Negative***.

POINT N0:2. : As per final order for the following,

REASONS

6. **POINT N0:1.** On perusal of this application, this court noticed that, by taking shelter of amended sec.166 (3) of amended IMV Act 2019, the R 2 filed this application seeking rejection of petition. In the affidavit annexed to the application, the legal manager of R 2 co., himself admitted that, the amendment act 2019 was came to effect from 01-04-2022. Admittedly, alleged accident was

held on 06-02-2022 it means prior to the amendment act. Admittedly, the amendment act is having in prospective in nature and socio beneficial legislation. Wherefore, the application is absolute misconceived one and liable to be rejected. Accordingly, this point is answered in the *Negative*.

7. PIONT N0:2. In view of foregoing reasons, I proceed to pass the following,

ORDER.

I.A N0:2 filed R 2 U/or.7 Rule 11 R/w. Sec. 151 of CPC and Sec.166(3) of IMV Act is hereby rejected.

Call on for P/E by. 07-02-2023.

Sr. C. J. And JMFC., Cng.,