

**IN THE COURT OF SENIOR CIVIL JUDGE & JMFC  
KALAGHATAGI**

**PRESENT**

**SHRI. RAVINDRA L.HONOLE, B.A.,LL.B., (Spl)  
SENIOR CIVIL JUDGE & JMFC KALAGHATAGI**

**DATED THIS 10<sup>TH</sup> DAY OF JANUARY 2025**

**MVC No.553/2023**

**PETITIONER:**

Smt. Parwatevva @ Paravva W/o Late  
Maruti Chouhan

**( Sri. P.M.C., Adv)**

Vs

**RESPONDENTS :**

Chetan S/o Rajaram Lokunde and others

**(R-1 and 2-Exparte)**

**(R-3 Sri. P.M.C., Adv)**

**PARTIES TO IA**

**APPLICANT:**

Smt. Pooja W/o Chetan Lokunde

Vs

**OPPONENT/**

Parwatevva @ Paravva W/o Late Maruti  
Chouhan

**ORDER ON I.A. No.1**

Applicant / respondent No.2 has filed this application praying for rejection of petition as barred by limitation.

2. Application is supported by the affidavit sworn to by the respondent No.2 authorised officer wherein it is contended that accident was occurred on 21.10.2022 and petition has been filed on 10.08.2023 after lapse of 9 months 20 days from the date of petition. The petition is to be filed within specified period of limitation, in view of amendment brought to the M.V. Act 1988 with effect from 25.02.2022. Therefore, prays for dismissal of claim petition.

3. The petitioner has filed objections denying the application and affidavit filed by the respondent No.2 as false. It is contended that after completion of investigation police have filed charge sheet thereafter he filed this petition within the period of limitation. The respondent No.2 has filed application for causing delay in the proceedings. Hence, prayed for rejection of the application with cost.

4. Heard the arguments.
5. Points that arise for my consideration are:
  1. Whether the applicant/respondent No.2 has made out sufficient grounds to reject the claim petition as barred by limitation?
  2. What order?
6. My finding on the points are as under:

**POINT No.1:** In the negative

**POINT No.2:** As per the final order,  
for the following:

### **REASONS**

7. **POINT No.1:** Applicant/ respondent No.2 has contended that petitioner has filed the present petition praying for compensation. The accident was occurred on 21.10.2022 and petition is filed on 10.08.2023, therefore, claim petition is barred by limitation and petition is liable to be rejected. I have gone through the documents produced by the claimant. The police have registered case on 21.10.2022 and after completion of investigation I.O. has filed charge before the court on 08.03.2023. To file the claim petition the charge sheet is material document which includes statement of witness, injury certificate, MVI report and

panchanama. In the absence of documents the claim petition cannot be filed without verifying the documents fixing liability on respondents. The charge sheet is filed before court on 08.03.2023 and case was registered on 10.04.2023 and claim petition is filed on 10.08.2023. Therefore, it can be said that claim petition is filed by the claimant is well within the period of 60 days from the date of filing of charge sheet.

8. Learned counsel for respondent No.3 relied the decision of Hon'ble High Court of Madhya Pradesh in Misc. Appeal No.3175/2023 dated 21.11.2024.

9. In this regard I have gone through the decision of **Hon'ble High Court of Karnataka, Kalaburgi Bench dated 21.07.2023 in W.P.No.201961 of 2023(MV)**. In view of the decision of Hon'ble High Court of Karnataka, *"it is held that, M.V. Act being a beneficial Act the provisions thereof had to be given beneficiary meaning and effect. The benefit under the Act cannot be taken away on a technical aspect that too of limitation."* In the present case on hand, there is no

whisper about compliance of rule 150A of Central Motor Vehicle Act and rules 6,12,13,17 and 21 of annexure 13. The investigating officer has not sent the First Accident Report to the court.

10. The period of limitation is mixed question of law and facts which is required to be decided at the time of trial. At this stage it cannot be said that petition is barred by limitation. The accident claim petition is social legislature introduced to benefit the victims and such petition cannot be denied on limitation. The petitioner is the injured person who is under treatment after accident. There is no material is placed on record to show that the concerned police have followed the procedure prescribed under motor vehicle rules and supplied the copy of documents and intimated the petitioner. In the absence of procedure prescribed under law it cannot be said that petition is barred by limitation. Accordingly, I have answered point No.1 in the negative.

11. **POINT No.2**: As discussed above, I proceed to pass the following:

**ORDER**

Application filed by the applicant/  
respondent No.2 U/o 7 Rule 11 (d) of CPC is  
hereby rejected.

No order as to cost.

(Dictated to stenographer directly on computer,  
computerized by him, then corrected and pronounced  
by me in the open court on this **10<sup>th</sup> day of January  
2025**)

**(R.L.HONOLE)**  
**SENIOR CIVIL JUDGE & JMFC,**  
**KALAGHATAGI**