

KAMS080039652024



**BEFORE THE MOTOR ACCIDENTS CLAIMS
TRIBUNAL AT MYSURU**

**(IN THE COURT OF ADDITIONAL SMALL CAUSES
AND SENIOR CIVIL JUDGE, AT MYSURU)**

PRESENT

**Smt. PRATHIBHA D.S
B.A., LL.B.**

**JUDGE, ADDITIONAL COURT OF SMALL CAUSES
AS A PRESIDING OFFICER,
MOTOR ACCIDENTS CLAIMS TRIBUNAL, MYSURU.**

DATED THIS THE 20th DAY OF JANUARY 2026

MVC NO.2098/2024

Sri. Mahesha

... Petitioner

-Versus-

Sri. Vinay and Another

... Respondents

I.A.

Iffco Tokio General Insurance
Co. Ltd.,,

: Respondent No.2

-Versus-

Sri. Mahesha

: Petitioner

**ORDER ON INTERLOCUTORY APPLICATION FILED
UNDER ORDER VII RULE 11(d) of CPC R/W
SECTION 151 OF CPC R/W SECTION 166 (3) OF
MV ACT**

Counsel for the Respondent No.2 filed the present application Under Order VII Rule 11 (d) of CPC R/w Section 151 of CPC and R/w Section 166(3) of MV Act praying to reject the claim petition as it is barred by the limitation in the interest of justice and equity.

2. In the accompanying Memorandum of facts by the Respondent No.2 it is stated that, the petitioner filed the above petition against the respondents claiming compensation for the injuries sustained by him in the road traffic accident occurred on 13.03.2024 but the claim petition has been filed on 19.09.2024. Hence, there is an inordinate delay of 6 months 6 days in filing the claim petition as specified under the provision of Motor Vehicle Act. As per the section 166(3) of

Amended Provision of MV Act 2019, "No application for compensation shall be entertained unless it is made within six months of the occurrence of the accident. Hence, the claim petition is barred by limitation. Since the delay in filing claim petition is not tenable and not maintainable in the eyes of law. Hence this application.

3. The petitioner filed objection contending that, the application is not maintainable either in law or on facts of the case. Hence, the same is liable to be dismissed in limine. The Respondent No.2 filed this application 166(3) IMV Act which stands omitted by the amended MV Act 2019, once the provision prescribing limitation is deleted no statutory bar survives for filing a claim petition U/s 166 of Act. In case the Hon'ble Tribunal has the power to condone the delay under the provisions of the Motor Vehicles Act, considering the beneficial and welfare nature of the statute.

4. He further contending that, the second respondent submits that order 7 rule 11(d) CPC applies only when the plaint is barred by any law. In the absence of section 166(3) there is no bar of limitation and therefore the very foundation of the respondent application collapses and the Hon'ble Supreme Court and various High Courts have repeatedly held that

technicalities of limitation should not defeat substantive justice in cases of motor accident compensation. The delay, if any occurred due to bona fide reason such as the injured person admitted to impatient at J.S.S.Hospital for treatment lack of legal knowledge and financial crises and ill health. That the application filed by the respondent is misconceived, devoid of merit and liable to be dismissed in the interest of justice. Hence, prays to dismiss the petition.

5. Heard both side. Perused the materials on record.

6. The points that would arise for my consideration are as follows;

1. Whether the respondent No.2/applicant has made out grounds to reject the petition as prayed for?

2. What order ?

7. My findings to the above points are as under:

Point No.1 : In the "**Negative**"

Point No.2 : As per the final order for the following :

REASONS

8. **Point No.1:** The petitioner has filed this petition for the compensation for the injuries sustained by him in the road traffic accident. It is the contention of respondent No.2 that the alleged accident occurred on 13.03.2024. The petition came to be filed on 19.09.2024. As per amended provision of MV Act the petitioner has to file petition within six months from the date of accident. As such, the petition is barred by law of limitation.

9. Admittedly, as per Sec.166(3) of MV Act the petition has to be filed within six months from the date of the accident. In the case on hand, there is a delay in filing the claim petition. In this regard, the Hon'ble Supreme Court in **Gohar Mohammed V/s Uttar Pradesh State Road Transport Corporation and others in SLP(C) No.32448/2018** held that,

"A report filed by the police to the concerned authorities including the stakeholders, insurance companies and jurisdictional MACT should be treated as the claim petition."

10. In the case on hand FIR came to be lodged on 18.03.2024 i.e., within 05 days from the date of accident itself. Thus as per the aforesaid dictum of

Hon'ble Supreme Court the FIR sent by the police to the tribunal should be treated as claim petition. The police have registered FIR within six months and which is well within the period of limitation. Hence with these observation this tribunal is of the considered view that the respondent No.2 has not made out grounds to reject the petition. **Hence, Point No.1 answered in the negative.**

11. **Point No.2:** In view of above said discussion in Point No.1, I proceed to pass the following:

ORDER

Application filed by respondent No.2 Under Order VII Rule 11 (d) of CPC R/w Section 151 R/w Section 166(3) of MV Act is hereby dismissed.

No order as to cost.

(Dictated to the Stenographer directly on computer, typed by her, revised, corrected and then pronounced by me in the open Court, on this the 20th day of January, 2026)

-Sd/-

**(PRATHIBHA D.S)
Judge, Addl. Court of
Small Causes & MACT,
MYSURU**

