

KAMS080041592024



M.V.C./2211/2024

**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 15th DAY OF NOVEMBER 2025

MVC NO.2211/2024

Tom Joseph

... **Petitioner**

-Versus-

New India Assurance Co. Ltd.,,

... **Respondents**

I.A.

New India Assurance Co. Ltd.,,

: Respondent No.1

-Versus-

Tom Joseph

: Petitioner

ORDERS ON IA.II

The learned counsel for the respondent No.1 filed this I.A under Sec.166(3) of MV Act to dismiss the above petition as barred by limitation.

2. In the accompanying affidavit the respondent company has submitted that, the petitioners have filed the above case for claiming the compensation for death of Mr. Tom Jeevan in the Motor vehicle accident. The accident occurred on 08.03.2024 and petition filed on 30.09.2024. As per the Amendment Act the petition has to file within 6 months from the date of accident. The petition is filed after 22 days of the accident. Under the above circumstances, the petition is not maintainable and liable to be dismissed. As such, the petition is barred by law of limitation. Hence, prays to reject the petition.

3. The counsel for petitioners filed objection contending that they have explained the delay in the petition itself and also filed IA.I for condonation of delay. Hence prayed to dismiss the application.

4. Heard arguments of both side perused material on record.

5. The point for consideration arises as follows:

1. Whether the respondent made out grounds to reject the petition under Sec.166(3) of MV Act?
2. What order?

6. The answer to the above said points are as follows:

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

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

REASONS

7. **Point No.1:** The petitioners has filed this petition for claiming the compensation for death of Mr. Tom Jeevan in the Motor vehicle accident. It is the contention of respondent that the accident occurred on 08.03.2024 and petition filed on 30.09.2024. As per the Amendment Act the petition has to file within 6 months from the date of accident. The petition is filed after 22 days of the accident. Under the above circumstances, the petition is not maintainable and liable to be dismissed. As such, the petition is barred by law of limitation.

8. 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.”

9. In the case on hand FIR came to be lodged on 08.03.2024 i.e., on 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 the same should be treated as claim petition. When such being the case the question of limitation to file petition does not arise. Furthermore, in the aforesaid judgment the Hon'ble Apex Court held that,

“The issue of six months limitation will arise only in case where no FIR has been registered by the police and no report has been sent/uploaded.”

10. The Hon'ble Supreme Court further held that,

“On registration of an FIR, a claimant is entitled to present the petition without the fear of it being thrown out, on the ground of limitation. This would be correct reading of the present legal dispensation in all case where FIR is registered within six months, of the date of any motor accident which takes place after 01.04.2022.”

11. In the case on hand, FIR came to be registered on 08.03.2024, i.e., on the date of accident itself. Thus, the police have registered FIR within six months and which is well within the period of limitation. Hence with these observation this tribunal of the considered view that the respondent has not made out ground to reject the petition. **Hence, Point No.1 answered in the negative.**

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

ORDER

IA.II filed by respondent under Sec.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 15th day of November, 2025)

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