

ORDERS

IA No. I is filed under Section 5 of the Limitation Act to condone the delay of 56 days in filing the petition.

2. Objection is filed to IA No. I.

3. Heard both sides.

4. As per the amended provisions to M.V. Act Section 166(3) the application for compensation shall not be entertained unless it is made within six months of the accident. No doubt the claim petition is filed after the expiry of the period prescribed under the Act. However the enactment is a beneficial legislation and the amendment

having been made of late the application seeking condonation of delay will have to be construed liberally. Though the application has been filed under Section 5 of the limitation Act quoting of a wrong provision is not a ground to reject the application. In addition whether it be Section 166(3) of M.V. Act or Section 5 of the Limitation Act the only aspect to be seen is with respect to the sufficiency of the cause for delay and is not pertaining to the period of delay. The special provisions applies with respect to the period prescribed and not for showing cause for delay which can be addressed generally in either of the provisions. In addition sufficient cause is made out in the application for delay in filing the petition. It can be expected that the petitioner being not well versed with law there is a delay in collecting documents and obtaining information from the police and to contact their counsel. Hence the delay in filing the application does not appear to be intentional and deliberate. Hence it is just and proper to allow the application in order to sub serve the ends of justice.

Hence on satisfaction, I pass the following:

ORDER

IA No.I filed under Section 5 of the Limitation Act to condone the delay of 56 days in filing the petition is allowed.

Consequently delay in filing the petition is condoned.

**Prl. Senior Civil Judge and
C.J.M. Karwar.**