

i.	Provision under which the application is filed	Section 5, 29(2) of Limitation Act read with 166 (4), 159 of Motor Vehicles Act, Rule 150 (A) of Central Motor Vehicle Rules 1989, Section 94(e) and Section 151 of CPC
ii.	Relief sought for	To condone delay of 1 year 3 days
iii	The date on which the application is filed	18-07-2024
iv	Number of the application	I.A.No.I
v	The date on which the objections are filed by different opponents	- -
vi	The date on which the orders were passed on the said application.	04-12-2024

ORDERS ON I.A.NO. I FILED UNDER
SECTION 5 , 29(2) OF LIMITATION ACT
READ WITH SECTION 166 (4) AND
SECTION 159 OF MOTOR VEHICLES ACT
(AMENDMENT) 2019 AND RULE 150 (A) OF
CENTRAL MOTOR VEHICLES RULES
1989 AND SECTION 94(E) AND 151 OF
C.P.C.

I.A.No.I is filed by petitioner seeking condonation of delay of 1 year 3 days in filing of the petition.

It is deposed by the petitioner that he could not secure the police documents in time. Hence there is delay and prays to condone the same.

Respondent No.1 and 2 have not entered appearance.

Heard from the counsel for petitioner.

The following point arise for determination.

“Whether the delay of 1 year 3 days in filing of petition can be condoned?”

My answer to the above point is in the ‘affirmative’, for the following

REASONS

The petition is filed seeking compensation for the damages caused to the vehicle of the petitioner in R.T.A. There is delay of 1 year and 3 days in filing of petition, which ought to had been filed within 6 months from date of accident.

Question of limitation is a mixed question of law. This fact has to be treated as preliminary issue and enquiry was required in this regard.

In this regard, it would be pertinent to note the authority of the Hon'ble Supreme Court of India reported in (2021)4 SCC 381 in 'Gohar Mohammed Vs. Uttar Pradesh State Road Transport Corporation and others', where it was held that

“The 2019 amendment to the Motor Vehicles Act casts the role of a facilitator on the police officer and he has to act in a time bound manner and perform his duties as per the 2019 Amendment Act scrupulously, omission to perform his duties has a consequence provided under State Police Act.

And further in authorities reported in

(1) 2023 Livelaw (Ker) 50, where it is held that,

“The provision of the Limitation Act would be applicable for entertaining the petitions for

claiming the compensation even beyond the period of six months. Claim petitions, if filed beyond the period of six months, cannot be dismissed in limine.”

(2) (2021) 6 SCC 512, where it is held that,

“Interpretation of a beneficial legislation must be remedial and must be in furtherance with the purpose which the statute seeks to serve. A beneficial legislation should receive a liberal construction so as to promote its objectives. The Motor Vehicles Act is a beneficial piece of legislation enacted to give solace to the victims of motor accident who suffer bodily injury or die ultimately, strict compliance of procedure can be relaxed in order to ensure that victims receive just compensation.”

(3) AIR ONLINE 2023 MAD 1405 in ‘Malaravan Vs. Praveen Travels private Limited Kancheepuram, where it is held that,

“If an FIR is registered within six months of accident, claimant can present their petition without concern about being barred by limitation period – Tribunal to treat the

application filed on as reminder for plea of compensation under section 166(4) and proceed with application for trial.”

As observed in the above authorities, the present petition is also filed seeking damages caused to the vehicle of the petitioner, who has been put to hardship and inconvenience. This cannot be compensated in terms of awarding monetary compensation or damages, but can be pacified to a little extent for which the Motor Vehicle Act supports. Only on the ground of limitation which the parties might not be aware of, the parties cannot be rejected with the compensation, if they are entitled to. Loosing of a person or getting injuries due to the mistake of another needs to be compensated and cannot be the ground for litigation.

It is also stated in the above authorities that if the F.I.R. is registered within six months

of the alleged accident, the claimant would be at liberty to file the petition without concern about being barred by limitation. In the instant case the F.I.R. is lodged within six months from the date of accident which absolutely comes within the limitation period as observed in *AIR Online 2023 Madras 1405* , noted supra. Therefore in this situation this Motor Vehicles Act being beneficial legislature cannot be ruled out only on the basis of non-filing of the petition within the limitation period.

When the authorities clearly goes to show that the F.I.R., would be the consideration for date of cause of action which has to be filed within six months, the question of again subjecting the petitioner into enquiry does not arise at all. Consequently holding that sufficient grounds are made out to condone the delay, the above point is answered in affirmative.

Hence, the following

ORDER

I.A.No.I filed by the petitioner under Section 5, 29(2) of Limitation Act read with 166(4) and Section 159 of Motor Vehicle Act (Amendment) 2019 and Rule 150(A) of Central motor Vehicles Rules 1989 and Section 94(e) and 151 of C.P.C.. is herewith allowed.

Delay of 1 year 3 days in filing of petition is condoned.

For petitioner's evidence , Call on

(SHARMILA C.S.)
Senior Civil Judge & AMACT, Karkala.