

**IN THE COURT OF DISTRICT JUDGE-3 AT AKOLA.**

**M.A.C.P. No.46/2023.**

(Smt. Sarika Wd/o Sunil Mali + 2 Vs. Pankaj S/o Manohar  
Deshmukh + 2)

CNR No. MHAK010007992023.

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**ORDER BELOW EX.21.**

[Passed on 20th June, 2025 ]

Preset application is placed on record by non-applicant No.3 United India Insurance Company Limited under Order 6 Rule 17 read with Section 151 of the Code of Civil Procedure for amendment in its written statement.

2) In the said application, non-applicant No.3 stated that present matter is arising out of accident which is taken place on 28.07.2016. In the said accident Tata Truck No. MH-30-E-5253 is alleged to be involved. It further stated that claim petition is filed for the compensation amount of Rs.50 lacs.

3) Non-applicant No3 further stated that from perusal of claim petition it appears that it came to be filed on 27.02.2023. However, it is pertaining to the accident which has taken place on 28.07.2016. He further stated that as per amended section 166(3) of the Motor Vehicle Act, the claim is to be filed by the claimants within six months from the date of accident with effect from 01.04.2022. But, in the present matter

the claimants have filed present petition beyond the period of six months. As such it submitted that the petition is barred by the limitation and not tenable. Hence, by this petition non-applicant no.3 prayed to allow its application and to permit it to add para No.8A in its written statement. Hence the present application.

4) Learned advocate for the claimants filed his say on the overleaf of the application itself. In his say, he specifically stated that the court has already rejected Exh.22 and decided the question of limitation. He further stated that as per order dated 07.04.2025 passed below Exh.22, proposed amendment does not survive as the point of limitation is already decided by this Court. As such he prayed to reject the application.

5) Heard both sides.

6) I have perused the record. From perusal of record it becomes clear that present non-applicant No.3 had already filed application under section 166(3) of the Motor Vehicle Act and thereby it prayed to dismiss the claim petition as it is barred by limitation. However, this Court after considering the legal position rejected the application. In the said order the court specifically mentioned that the petition is pertaining to the accident occurred on 28.07.2016. Therefore even though the petition is filed beyond the period of six months is maintainable as the petition is pertaining to the accident occurred prior to coming into effect the amended section 166(3) of Motor Vehicle

Act. Thus, this court has already decided the point of limitation. Therefore, the question of allowing non-applicant No.3 to amend its written statement and to add pleading as to limitation does not survive. Thus, for the aforesaid reasons application is liable to be rejected. Hence, the following order.

**Order**

The application (Exh.21) is hereby rejected.

Date – 20.06.2025.

[ Sanjay P. Shinde ]  
Member, M.A.C.T., Akola.

## Certificate

I affirm that the contents of this P.D.F. file are same word for word as per original order.

Name of the Steno	:	S. V. Indane (Stenographer Grade-1)
Court Name	:	Additional Sessions Judge, Akola.
Date of order	:	20.06.2025.
Signed by presiding Officer on	:	20.06.2025.
Uploaded on	:	20.06.2025