

CNR-MHBU010005292024



M.A.C.P. M.A. No.4/2024,

Punjaram Vishwanath Kharat & 3
Ors.

Vs.

Dnyaneshwar Suresh Dhakane

Order below Exh.1.

(Dt. 31.03.2026)

1. Present application has been filed under Section 5 of the Limitation Act for condonation of delay in filing claim petition for grant of compensation on account of accidental death of the deceased Vishwanath Shamrao Kharat, occurred in vehicular accident dated 27.01.2023. The claim petition is filed on 25.04.2024. As the same was beyond limitation of six months provided under Section 166 (3) of the Motor Vehicles Act, applicants have filed present application for condonation of nine months delay in filing the claim petition. According to the applicants, they are illiterate and have been no knowledge about law. Therefore, the delay of nine months is caused in filing the claim petition.

2. It is pertinent to note that on a conjoint reading of section 166 (4) read with section 159 of the Motor Vehicles Act with Rule 150 of Central Motor Vehicle Rules, it is clear that on the occurrence of any accident, a duty has been cast upon the Police Officer, investigating the accident, to send an information containing the particulars to the Claims Tribunal in prescribed form and the Claims Tribunal is bound to accept the said report as an application for settlement of the Claim. Therefore, it was the duty of the Police Officer investigating the accident to send

the information and it was also mandatory on the Claims Tribunal to accept the said report as a claim application which appears to have not been done, for no fault of the petitioner. In case the Police Officer has failed to send his report, the Tribunal will be well within its power to call for the same and register it as a Claim Petition and then take steps in accordance with law.

3. It is further to be noted that grant of compensation on account of injuries sustained in the accident or death occurred in the accident is social legislation. Therefore, only for the reason of delay in filing the claim petition, the petitioners are not disentitled to file the claim petition. It was submitted that the issue of delay in filing the claim petition is *sub-judice* before the Hon'ble Apex Court. In such circumstances, if it is directed to register the claim petition, keeping the point of limitation open, no prejudice will be caused to the non-applicant. Hence, I proceed to pass the following order.

Order

1. Keeping the point of limitation open, the claim petition be registered.
2. Accordingly, the application (Exh.1) is disposed of.

Dated : 31-03-2026

(S. D. Jagmalani)
Member, M.A.C.T., Buldana.