

**IN THE COURT OF IV ADDITIONAL SUB COURT, MADURAI**  
**MOTOR ACCIDENT CLAIMS TRIBUNAL**

PRESENT : **Thiru.A. Muthu Esakki, B.A., B.L.,**

**IV Additional Sub Judge, Madurai**

**Friday, 13<sup>th</sup> day of February 2026**

Thiruvalluvarandu 2053 Visuvavasu Varudam Maasi Thingal 1<sup>st</sup> day

**I.A.No.2/25 in MCOP No.1199/2025**

Shriram General Insurance Company Limited, 30, Kamala 2<sup>nd</sup> street, Chinnachokkikulam, Madurai through its Manager

... Petitioner/2nd respondent

**// Versus //**

Allwin Durai, aged about 55 years, S/o. Subbiah, Door No.2/86, Seethalakshmi Nagar, K. Melapanangadi, Madurai.

... Respondent/Petitioner

This petition has come up before this tribunal for final hearing on 13.02.2026 in the presence of **Thiru. Ramadurai** Advocate for the petitioner and **Thiru. N. Senthilkumar** Advocate for the respondent and after hearing the arguments on both sides and upon perusing the materials available on record, this court delivered the following :

**ORDER**

1. This petition has been filed under Order 7 Rule 11 r/w Section 151 of CPC, the claim petition is barred by the applicable amended provisions of MV(Amendment) Act 2019 and as such liable to be dismissed in limine.

**2. Case of the petitioner as seen from his petition:**

The petitioner is the 2<sup>nd</sup> respondent insurance company in the main petition. The tribunal has no jurisdiction to entertain a claim under section 166 of MV Act. The accident occurred on 29.04.2024. Whereas the claim petition was filed on 15.05.2025, which exceeds the six months within the time period stipulated by the new MV Act. The provision of law relating to limitation in entertaining a claim petition by MACT cannot be decided of any oral evidence. Any amount of evidence adduced by parties cannot rewrite a statute. As per the text of Section 5 of Limitation Act, the purpose of section 5 restricts

the period for taking legal recourse whereas under the special acts, the period of limitation is for the purpose of avoiding frivolous, illegal and fraudulent claims. That the motor vehicle act has specified the limit of filing of the claim without any proviso or exceptions attached, which ought to be followed by way of strict interpretation. The beneficial legislation does not provide for exceptions to section 166(3) of MV Act under any circumstances. Therefore the petition has to be dismissed on the ground of delay in filing the claim petition. Hence the petition may be allowed.

### 3. **Case of the Respondent as seen from its counter :**

The petition to reopen the case of the petitioner is not maintainable in law and on facts. The Honourable Supreme Court of India has issued an order directly that no motor accident claim petition should be dismissed being time-barred, even though section 166(3) of the MV Act imposes a six month limitation period from the date of accident to file a claim petition. Hence the petitioner has to be dismissed.

### 5. **Point for determination**

Whether the petition has to be allowed or not?

### 6. **Point No.1**

#### **6. Point No.1**

The records have been perused. The present petition has been filed by the petitioner seeking dismissal of the claim petition on the ground that it is barred by the amended provisions of the Motor Vehicles (Amendment) Act, 2019, and is therefore liable to be dismissed in limine.

The petitioner herein is the second respondent—Insurance Company in the main petition. It is an admitted fact that the claimant met with an accident and sustained multiple injuries. This fact has not been denied by the petitioner/second respondent.

The main contention of the petitioner/second respondent is that the present claim petition is not maintainable in view of the bar contained in Section 166(3) of the Motor Vehicles (Amendment) Act, 2019. However, this issue has already been settled by the Hon'ble High Court of Madras in *Malaravan vs. Praveen Travels Private Limited and others*, and subsequently by the Hon'ble Supreme Court of India in *ICICI Lombard General Insurance Company Limited vs. Ayiti Navaneetha and others*, dated 04.11.2025. The Hon'ble Supreme Court has categorically held that no claim petition can be dismissed

on the ground of limitation and has observed as follows:

**5. It is made clear that during the pendency of these petitions, the tribunal or the High Courts shall not dismiss the claim petitions on the ground of such petitions as barred by limitation as prescribed under sub-section (3) or section 16(3) of the Motor Vehicles Act, 1988.**

Further in the **Malaravan Vs Praveen Travels Private Limited and two other**, our Honourable Madras High Court has held as

**“In view of the above discussion, it is clear that in cases where any request is filed and accessible by the Tribunal, then there will be no question of six months limitation arising. 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.**

**The upshot of the discussion is 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 the correct reading of the present legal dispensation in all cases when FIR is registered within six months, of the date of any motor accident which takes place after 01.04.2022.”**

Therefore if the FIR is registered within six months from the date of the accident, the claim petition is very much maintainable and can be filed at any time thereafter; no question of limitation would arise. Therefore, the contention of the petitioner is rejected, and this petition is dismissed.

In the result, the petition is dismissed. No costs.

Dictated to the Steno-Typist, typed by her directly into the computer, corrected, printed out and pronounced by me in the Open Court on this the 13<sup>th</sup> day of February 2026.

IV Additional Sub Judge  
Madurai

No oral or documentary evidence on both sides.

IV Additional Sub Judge  
Madurai

IV Additional Sub Courtm Madurai  
I.A.No.2/25 in MCOP.No.1199/2025  
DRAFT / FAIR Order  
13.02.2026

