

**BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL FOR
GREATER MUMBAI AT MUMBAI
M.A.C.P. No. 1781 of 2023**

Mr. Mustakim Din Mohammad

... Applicant

Versus

Mr. Harshit Vyas & Anr.

... Opponents

ORDER BELOW EXHIBIT-12

1. By this order, I proceed to decide the application at Exhibit-12 preferred by the insurer under Order VII Rule 11 read with Section 151 of the Code of Civil Procedure and Section 166(3) of the Motor Vehicles Act, 1988, seeking rejection of the claim petition as being barred by limitation.
2. The record indicates that the present claim petition is one under Section 166 of the Motor Vehicles Act in respect of injuries allegedly sustained by the applicant in a motor vehicular accident dated 28.03.2023/28.04.2023 as mentioned in different parts of the claim petition. The claim petition came to be presented in October 2023. The insurer has, therefore, contended that the petition was filed

beyond the period of six months contemplated by Section 166(3) of the Motor Vehicles Act and hence the same cannot be entertained.

3. In substance, the insurer has contended that by virtue of the Motor Vehicles (Amendment) Act, 2019, sub-section (3) of Section 166 has been reintroduced, prescribing that no application for compensation shall be entertained unless it is made within six months of the occurrence of the accident. The insurer has, therefore, prayed that the claim petition itself be rejected at the threshold.
4. I have perused the claim petition, the grounds in Exhibit-12 and the relevant statutory provisions.

I. Points for determination

5. The following point arises for my determination:

Whether the insurer has made out a case for rejection of the claim petition at the threshold under Order VII Rule 11 CPC on the ground of limitation under Section 166(3) of the Motor Vehicles Act?

My finding is **in the negative**, for the reasons recorded below.

II. Scope of Order VII Rule 11 CPC

6. It is well settled that while considering an application under Order VII Rule 11 CPC, the Court has to look primarily at the averments in the plaint/claim petition and the documents relied upon by the claimant,

and not the defence of the opposite party. The power is drastic and has to be exercised only when the bar is apparent on the face of the pleadings themselves. The Supreme Court has repeatedly held that a meaningful reading of the plaint alone is the governing test, and that disputed questions or mixed questions of law and fact are ordinarily not amenable to summary rejection under Order VII Rule 11.

7. In motor accident claim proceedings, this principle has to be applied with even greater care because proceedings before the Claims Tribunal are not to be treated as ordinary adversarial civil suits in the strict sense, but as summary welfare-oriented proceedings under a beneficial legislation intended to secure just compensation to victims of road accidents. The Supreme Court in *United India Insurance Co. Ltd. v. Shila Datta* recognized the special and distinct character of proceedings before the Claims Tribunal, while *Jai Prakash v. National Insurance Co. Ltd.* emphasized the statutory duty to treat accident information/report as the foundation for commencing compensation proceedings.

III. Beneficial nature of the Motor Vehicles Act

8. The Motor Vehicles Act is a social welfare legislation. The approach of the Tribunal, therefore, has to be to advance the remedy and not to defeat a just claim on technicalities unless the statutory bar is express, absolute and incapable of any liberal construction. The Supreme Court in *Dhannalal v. D.P. Vijayvargiya* and later in *The New India Assurance Co. Ltd. v. C. Padma* underscored that claim petitions

under the Motor Vehicles Act should not ordinarily be defeated by hypertechnical objections relating to limitation, having regard to the beneficial object of the enactment.

9. True it is, Section 166(3), as reintroduced by the Motor Vehicles (Amendment) Act, 2019, now provides that no application for compensation shall be entertained unless made within six months of the occurrence of the accident, and the commencement notification bringing the relevant provisions into force from 01.04.2022 has been noticed in later decisions.

10. However, the mere existence of Section 166(3) does not automatically lead to the consequence that every petition presented beyond six months must be rejected in limine under Order VII Rule 11 CPC, without anything more.

IV. Interplay of Sections 159 and 166(4) of the Motor Vehicles Act

11. The present statutory scheme after the 2019 amendment cannot be read by isolating Section 166(3) alone. Section 159 requires the police/investigating officer to forward the accident information/report to the Claims Tribunal, and Section 166(4) requires the Tribunal to treat such report as an application for compensation. The Supreme Court in *Jai Prakash* had already emphasized the importance of this statutory mechanism so that victims are not denied relief on procedural grounds.

12. A learned Single Judge of the Karnataka High Court in *The Manager*,

Sriram General Insurance Co. Ltd. v. Siddamma & Anr. (13 August 2025) considered this very question in the context of applications under Order VII Rule 11 read with Section 166(3) of the Motor Vehicles Act. The Court held that the beneficial object of Section 166, the applicability of Section 5 of the Limitation Act, and the statutory scheme of FAR/DAR under Sections 159 and 166(4), all militate against throwing out claim petitions at the threshold solely on the ground that they were filed beyond six months. The Court further held that the insurer cannot take advantage of the default of the investigating officer in not forwarding the accident report in time.

13. The Kerala High Court in *Akshay Raj v. Ministry of Law and Justice* also took the view that claim petitions filed beyond six months cannot be dismissed in limine merely on that ground and that the larger statutory scheme, read with the Limitation Act and the DAR mechanism, has to be borne in mind.

14. The Madras High Court has likewise discussed the same issue and adopted a purposive interpretation of Section 166(3) and Section 166(4), so as to avoid denial of substantive justice to motor accident victims on a narrow technical construction.

V. Whether rejection at threshold is warranted in the present case

15. In the present matter, what is sought by the insurer is not merely adjudication of a pure legal issue after evidence or at the stage of final disposal, but outright rejection of the claim petition at the threshold.

16. Such a course, in my considered view, is not warranted for several reasons.
17. Firstly, the issue of limitation in a motor accident claim after the 2019 amendment is not a simple matter capable of mechanical disposal by resort to Order VII Rule 11 CPC. The Tribunal would have to consider the exact date of accident, the date of presentation, whether the accident report under Section 159 was forwarded or not, whether delay, if any, stands explained, whether the matter is covered by the statutory mechanism of DAR/FAR, and whether the claimant is entitled to have the delay considered in the light of the beneficial object of the enactment. These aspects indicate that the controversy is not purely one of formal arithmetic, but involves mixed questions of law and fact.
18. Secondly, even assuming that the petition has been presented beyond six months from the date of accident, that by itself does not justify rejection of the petition under Order VII Rule 11 CPC when the statutory framework under Sections 159 and 166(4), and the liberal and beneficial interpretation adopted by various High Courts, require the Tribunal to avoid non-suiting the claimant at the threshold.
19. Thirdly, the proceedings before the Claims Tribunal are meant for adjudication of “just compensation.” A summary rejection at inception would frustrate the object of the Act, especially when the law in this branch has consistently evolved in favour of substantive justice over technical defeat of claims. This principle is traceable to

Dhannalal, C. Padma and Jai Prakash.

20. Fourthly, the application under Order VII Rule 11 CPC has to stand or fall on the face of the claim petition itself. The claim petition, read as a whole, discloses a clear cause of action founded on an alleged road traffic accident, injuries sustained, treatment, and entitlement to compensation. Therefore, it cannot be said that the petition is sham, vexatious, or devoid of cause of action. The insurer's objection is essentially a defence on maintainability grounded in limitation, which, in the facts of the present case, cannot be made the sole basis for terminating the claim petition at the threshold.

VI. Conclusion

Authorities that have been cited in support

Dhannalal v. D.P. Vijayvargiya & Ors., decided on 7 May 1996 - Supreme Court.

The New India Assurance Co. Ltd. v. C. Padma & Anr., decided on 12 September 2003 - Supreme Court.

Jai Prakash v. National Insurance Co. Ltd. & Ors., (2010) 2 SCC 607 - Supreme Court.

United India Insurance Co. Ltd. v. Shila Datta & Ors., (2011) 10 SCC 509 - Supreme Court, noticed in later High Court discussion.

The Manager, Sriram General Insurance Co. Ltd. v. Siddamma & Anr.,
Karnataka High Court, 13 August 2025, NC:2025:KHC-K:4606.

Akshay Raj v. Ministry of Law and Justice, Kerala High Court, 2023.

For the general scope of Order VII Rule 11 CPC: Supreme Court decisions reiterated in 2025 that only plaint averments can be seen and mixed questions of limitation are not suitable for rejection at threshold.

21. Having regard to the beneficial nature of the Motor Vehicles Act, the limited scope of Order VII Rule 11 CPC, the statutory scheme under Sections 159 and 166(4), and the persuasive judicial pronouncements referred to above, I am of the considered opinion that the insurer has failed to make out a case for rejection of the claim petition in limine.

22. It is clarified that this order only decides the insurer's prayer for threshold rejection of the claim petition. All other contentions on facts and law available to the parties at the stage of trial/final hearing are expressly kept open.

ORDER

- 1. Application at Exhibit-12 is hereby rejected.**
2. It is held that the claim petition cannot be rejected at the threshold under Order VII Rule 11 CPC merely on the ground urged by the

insurer under Section 166(3) of the Motor Vehicles Act.

3. All rival contentions of the parties on merits are kept open for adjudication at the appropriate stage.
4. No order as to costs.

Pronounced in open Court.

Date: 12/3/2026

Place: Mumbai

(Shashikant Eknathrao Bangar),
Member, C.R.3,
Motor Accident Claims Tribunal,
Mumbai