

ORDER BELOW EXH.15
(Passed on 26.03.2025)

1] Whether claim petition is liable to be dismissed on account of delay in filing claim petition under Section 166 of the Motor Vehicles (Amendment) Act, 2019 is the only short point involved in the application filed by the respondent No.2 insurance company for dismissal of the claim petition.

2] Petitioner was directed to file reply. Accordingly, detailed reply is filed by learned advocate for petitioner at Exh.17.

3] Heard learned advocate for the respondent No.2 Shri. Mayour Pradhan as well as learned advocate for petitioner Shri. Mahendra Chaudhari, Shreyas Chaudhari

4] It is contended by respondent No.2 insurance company that accident of petitioner took place on 23.11.2023. However, there is delay of 200 days for filing the claim petition. Hence, the claim petition is filed beyond the period of limitation and liable to be dismissed under Section 166 (3) of the Motor Vehicle (Amendment) Act, 2019.

5] On the contrary, the application is strongly opposed by learned advocate for petitioner contending that, the claim petition is filed within the period of limitation i.e. 22.05.2024 the period to file the claim petition expired on 23.05.2024, whereas, the claim petition is filed on 22.05.2024. Hence, it is prayed that, the application be dismissed.

6] Admittedly, the accident took place on 23.11.2023 i.e. after coming into force The Motor Vehicle (Amendment) Act, 2019 which provides limitation of six months to file the claim petition from the date of accident. It is important to note that, learned advocate for petitioner filed online petition on 22.05.2024 but unfortunately the claim petition was filed in Motor Vehicle's Court instead of District and Sessions Court, Nagpur. Therefore, it is not shown in the record of M.A.C.T., Nagpur.

7] After summer vacation the court resumed on 10th June, 2024 and learned advocate for petitioner on verification realized that Online claim petition was filed before wrong portal. Therefore, application to file physical claim petition was moved before the M.A.C.T. and Hon'ble M.A.C.T. granted permission to accept the claim petition in physical form.

8] In view of the above facts the mistake to file the claim petition before Motor Vehicle's Court is bonafide in fact the petition was already filed on 22.05.2024 but inadvertently before Motor Vehicle's Court, Nagpur. Hence, in view of the above discussion, there is no delay in filing the claim petition. Therefore, I proceed to pass the following order.

ORDER

1. The application Exh.15 is dismissed.
2. Cost in cause.
3. Application is disposed of.

Date:26.03.2025

(K. V. More)
Member, M.A.C.T.-2
Nagpur.