

**BEFORE MEMBER, MOTOR ACCIDENT CLAIMS TRIBUNAL-1,
NAGPUR**

(Presided over by P. B. Naikwad)

MACP No.1065/2023

Tukaram Vs. ICICI Lombard Gen. Ins. + 1

COMMON ORDER BELOW EXH.21 And 20

(Passed on 21st June 2025)

Perused the applications and the say filed by respondent No.1. Heard both learned counsels.

2] Applicant has filed application Exh.21 for condonation of delay in bringing LR of deceased petitioner on record so also application Exh.20 for bringing LR on record.

3] Learned counsel for applicant argued that petitioner Tukaram died during pendency of claim due to accidental injuries. Therefore it is necessary to bring his LR on record. However delay is cause as legal heirs of deceased was in mental trauma. Hence delay be condoned and permission may kindly be granted.

4] Respondent No.1 by its say strongly opposed the said application. Learned counsel for respondent submitted that application is not within limitation. No provisions of Section 5 of Limitation Act is applicable. Therefore delay cannot be condoned. Application is not tenable, it be rejected.

5] Having regard to the submissions made by both learned counsels and from record it is clear that original petitioner filed the present claim for injuries sustained in vehicular accident. During

pendency of said petition he died. Therefore present application came to be filed by his LR. Sec.166 (5) of M.V. Act mandates that the right of a person to claim compensation for injury in an accident shall, upon the death of the person injured, survive to his legal representatives, irrespective of whether the cause of death is relatable to or had any nexus with the injury or not. Therefore in view of specific provision in this respect, application needs to be allowed. Hence the following order.

ORDER

- i) Applications (Exh.21 and 20) are allowed.
- ii) The delay in bringing LR of deceased petitioner on record is hereby condoned.
- iii) Permission is granted to bring LR of deceased on record.
- iv) Applicant to carry out amendment forthwith.

Date : 21.06.2025

(P. B. Naikwad)
Member, M.A.C.T.1, Nagpur.

CERTIFICATE

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

(Sau. S.R. Chaple)
Stenographer (Grade-I)