

Order below Exh.1
in
Civil Misc. Application No.360/26

1. The present application is preferred by the applicant under Section 5 of the Limitation Act, praying to condone the delay of 10 months & 11 days in preferring and instituting the claim petition under the provision of M.V. Act.

As per the reasons mentioned by the applicant in the application, the delay is caused due to unavoidable circumstances. It is contended by the applicant that the accident was occurred on 20-11-2024. As per the provisions of the Act, the claim petition is to be preferred within six months, however, due to lack of knowledge of law, the applicant could not prefer the claim petition within time bound manner. It is further contended that the applicant even could not procured police papers for submitting claim petition within stipulated time period. Moreover, it is contended that the applicant has no malafide intention, but due to unavoidable circumstances, the delay is caused by the applicant. So, considering all the above aspect, prayed for the condonation of delay.

2. The notices are served to the opponents. The opponents No.1 & 3 have appeared. Only the opponent No.3 has filed reply vide Exh.9.
3. Ld. advocate Mr. Soni for the applicant, in oral arguments mainly submits as per the application of condonation of

delay and prayed accordingly. The Id. advocates for the opponents No.1 & 3 have opposed the application and prayed to dismiss the application.

4. At this juncture, it is required to refer the recent Judgment of Hon'ble High Court of Gujarat in case of **Bajaj Allianz General Insurance Co. Ltd. v/s Virsinh Muljibhai Khadiya - 2025(0) AIJEL-HC 249946**, wherein the order condoning delay by the Motor Accident Claim Tribunal, Dahod in CMA (MACP) No.185/2022 was challenged by the insurance company. The said challenge was rejected by Hon'ble High Court and has held that for excluding the operation of the Limitation Act, 1963, there must exist a specific exclusion clause, in accordance with Section 29(2) of the Limitation Act and in the amended M. V. Act, the Legislature has not put any such specific exclusion clause which excludes the operation of Limitation Act, so as provided in Sec.29(2) of the Limitation Act, 1963 the provisions of Sec.4 to 24 (both inclusive), which includes Sec.5 will be applicable. So also the provisions of Sec.5 of the Limitation Act, which is a general provision for condonation of delay on sufficient causes being shown, is clearly applicable in proceedings under Sec.166 of the amended Motor Vehicle Act. Under the provision of Sec.166(3) of the amended M. V. Act, no peremptory or imperative language is used so the same is not sufficient to displace the applicability of Sec.5 of the Limitation Act, 1963. Hence, the provision of Sec.5 of the Limitation Act,

1963 will apply and the Tribunal can condone the delay though no express powers have been given to the Tribunals to condone the delay in the said provision of Sec.166 itself, provided that sufficient cause has been shown for condonation of delay.

5. Now, if we discuss about the term 'sufficient cause' then it is not defined in any statute nor has been interpreted or defined in the Limitation Act. But the term sufficient cause means that there should be adequate reasons or reasonable ground for the Court to believe that the applicant was prevented from proceeding with the application in a Court of Law. The term sufficient cause is required to be determined by the facts and circumstances of each case. Further, while deciding whether there is any sufficient cause or not, it is to be interpreted liberally for the sake of doing substantial justice. So even if the delay is inordinate then also it can be condoned and vice-a-versa even if delay is very short but if no sufficient cause is shown then also it cannot be condoned. In the instant case, the reasons given for the delay are sufficient and this Court is satisfied with the same.
6. Moreover, as per the directions given by the Hon'ble Apex Court in case of **Gohar Mohamad v/s UPSRTC - 2022 LiveLaw (SC) 1040**, it is the first and foremost duty of the police authority to prepare the FAR and submit it to the Claims Tribunal within stipulated time. The Sec.166(4) the M. V. Act, 1988 requires the claims tribunal to treat the

report under Sec.158(6) or Sec.159, as the case may be, as an application for compensation. This means that the Claims Tribunal can take suo motu cognizance based on the said FAR/police report, without filing of an application under Sec.166(1) of the Act by the claimant. If that is so, then an application under Sec.166(3) of the Amended M. V. Act is not at all compulsory and neither necessary, therefore, obviously there would be no need to submit an application for condonation of delay as provided under Sec.166(3) of the amended M. V. Act. Under these circumstances, for the sake of doing substantial justice, the delay is required to be condoned. Hence, following order is passed in the larger interest of justice.

ORDER

1. The present application for condonation of delay is hereby allowed.
2. The registry is directed to register the Petition, presented by the applicant.

Signed and Pronounced in the open Court on this 6th day of May, 2026.

Date : 06-05-2026

(Raja Ranchhodbhai Patel)
M. A. C. T. (Auxi.) &
6th Additional District Judge,
Panchmahals at Godhra.
GJ00922