

IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE,
PERAMBALUR, STATE OF TAMILNADU.

Present: Thiru.V.Padmanabhan, M.A., M.L., D.H.,
Principal District Judge.

Thursday, this the 29th day of January, 2026.

I.A.No.1/2024
in
M.C.O.P.No.111/2024

Kalaiselvan,
S/o. Kasirajan.

... Petitioner.

- Vs -

1. M/s. CUBE AAAR,
Bangalore.

2. The Manager,
IFFCO TOKIO General Insurance Co. Ltd.,
Bangalore.

Branch Office at
Kamban Street, Perambalur.

... Respondents.

This petition is coming up for final hearing before me on 22.01.2026 in the presence of Thiruvalargal.P.Kaviyarasau, K.Arulraj, M. Amaran, N. Kalaiselvan and P.Anbazhagan, counsel appearing for the petitioner and Thiru.S. Arunan, counsel appearing for the 2nd respondent and the 1st respondent called absent set exparte; upon perusing the petition, counter and documents and after hearing the arguments on both sides, this Court has passed the following:

ORDER

The petition is filed under section 5 of Limitation Act to condone the delay of 83 days in filing the claim petition for the injuries sustained by the petitioner.

2. The brief averments of the affidavit appended to the petition are as follows:-

The petitioner have filed the claim petition as against the respondents claiming compensation for the injuries sustained by him in a motor accident which took place on 17.07.2023. The main petition ought to have been filed before this Court within 6 months i.e. on 17.01.2024. But, he has filed the main petition on 10.04.2024. As he was taking continuous treatment for his injuries, he was unable to met his counsel. Therefore, the delay of 83 days occurred. The delay is neither willful nor wanton. If this petition is not allowed, he will be put to irreparable loss and hardship. Hence this petition.

3. The brief averments in the counter filed by the 2nd respondent is as follows:-

The reason for delay is not acceptable. This claim is barred by limitation under new motor vehicles act. The accident occurred on 17.07.2023 and this claim petition is filed on 16.04.2024. Hence, the petition may be dismissed as against this respondent.

4. During the enquiry, no evidence was adduced and no documents were marked on both sides.

5. Point for consideration:-

Whether the petition has to be allowed as prayed for?

Point:

6. This petition is filed to condone the delay of 83 days in filing an claim application seeking compensation for the injuries sustained by the petitioner in a motor accident. The reason stated by the petitioner's for the delay is that he was taking continuous treatment and therefore, he was not able to contact his counsel. The 2nd respondent contended that the claim petition is barred by limitation under new Motor Vehicles Act.

7. From perusal of records, it reveals that the petitioner was undergone continuous treatment due to the accident. In such circumstances, the said reason stated by the petitioner is quite natural and believable one. Our Hon'ble Apex Court and High Court in cantena of decisions has specifically emphasized that Courts should not approach this kind of applications in strict manner and should approach liberally. Further, if the petitioner has a genuine claim in the main case, he would suffer loss and injury in case this application is dismissed. At the same time, if this application is allowed, no hardship will be caused to the respondents.

8. Considering the nature of main petition, with a view to give an opportunity to the petitioner and in the interest of justice, this Court comes to the conclusion that the petitioner is entitled to the relief as prayed for and this petition is allowed and the point is answered accordingly.

9. In the result, this petition is allowed. No cost.

Directly dictated to the Executive Assistant, typed by her through computer, corrected and pronounced by me in open Court, this the 29th day of January, 2026.

Principal District Judge,
Perambalur.

PDJ Court,
Perambalur.

Fair/Draft Order
I.A.No.1/2024
in
M.C.O.P.No.111/2024
D.D: 29.01.2026.

