

**MAC Case No. 02 of 2024**

**Present :- Sri R.P.Ray, Judge Claims Tribunal, ADJ 3<sup>rd</sup> Court, Cooch Behar, In-charge.**

**Order No. 16, dated 05.04.2025 :-**

The petition filed by the OP No.2 challenging the maintainability of the case dated 08.01.2025 is taken up for hearing.

Perused the petition, the WO thereto and other materials in the record.

Considered.

Also considered the submissions made by the parties in respect of the said petition.

The OP No.2, by filing this instant petition, has contended that the instant case has been filed after a long lapse of morethan five years and therefore, in view of the latest amended provision of section 166(3) of the said Act. the application is barred by the law of limitation and hence, the same is liable to be rejected.

The petitioners have filed WO against the said petition and has contended that the petition has been filed only to harass the petitioner and has prayed for rejection of the same.

Having heard both sides at length and having considered the materials in the record, it is found that the accident occurred on 16.08.2018 and the instant case has been filed on 03.01.2024 while the amendment of the M.V Act has come into force w.e.f 01.04.2022 and though it is mandated after the said amendment that applications must be filed within six months from the date of the accident, but, in my opinion, this applies to accidents occurred after 01.04.2022 and not to accidents occurred before that.

Moreover, the case is still in its initial stage and issues are yet to be framed.

If, during the course of trial or at the time of argument or even during delivery of judgment, it is found that the case is barred by limitation, the OP No.2 can always get the benefit of the same and they are not precluded from challenging the maintainability of the case on the point of limitation during trial.

Considering such, I am of the opinion that the petition filed by the OP No.2 is devoid of any merit of this case, and hence the same is rejected.

To 29.04.2025 for framing of issue.

Dictated & Correced by me,

Sd/-

Judge Claims Tribunal,  
ADJ 2<sup>nd</sup> Court, Cooch Behar, I/C

Sd/-

Judge Claims Tribunal,  
ADJ 2<sup>nd</sup> Court, Cooch Behar, I/C  
JO Code No.WB00899