

CNR WBEM01 002589-2023, CIS Regd No.376 of 2023
Present : Mandip Saha Roy, JO Code No.WB00986, Ld. Judge, M.A.C.T. cum
A.D.J.,F.T. 1st Court,Tamluk, Purba Medinipur
MACC No.376 of 2023

Order No.9
Dated 07.12.2024.

Today is fixed for hearing the petition dated 19.11.2024.

Ld. Advocate appearing on behalf of Claimants and the OP.No.2 are present today by filing their respective hazirans.

The petition dated 19.11.2024 is taken up for hearing.

According to the OP.No.2 this instant case is hit by the provisions of Section 166(3) of M.V. Act stating that the instant claim petition has not been filed within the stipulated period of six months and therefor the OP.No.2 has prayed to exonerate the OP.No.2 from the instant case. He has further stated that there has been a delay 08 years 05 months and 25 days from the date of accident.

Ld. Advocate on behalf of the claimant submitted that the instant section i.e. 166(3) of M.V.Act has been mentioned and it has been given effect on 01.04.2022. Therefore the petition is liable to be rejected.

I have heard the rival submission at length.

From the M.V.Act Section 166(3) (Amending Act 32 of 2019), I find that the legislature has given the prospective effect of the section given from 01.04.2022 which is after the death of accident. This instant case had originated on 28.12.2014 and it was reported to Durgachak P.S on 04.05.2015 which was initiated Durgachak P.S case No.82/15 dated 04.05.2015.

Therefore both date of accident and the reporting of the incident before the P.S happened prior to the date of effect of section 166(3) of M.V.Act.

In the light of my above discussion I am not inclined to allow the petition of OP.No.2.

Hence, it is,

ORDERED

that the petition filed by the OP.No.2 sans merit and is liable to be rejected.

Fix 04.01.2025 for appearance of both parties and framing of issues.

Dictated and corrected by me.

Judge, M.A.C. Tribunal ,
Cum Addl. District Judge,
Fast Track Court-1,
Tamluk, Purba Medinipur.

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