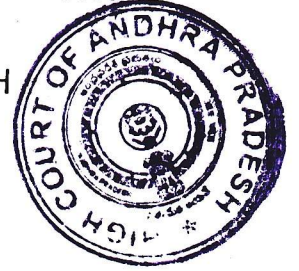


IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

THURSDAY, THE THIRTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE



PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

CIVIL REVISION PETITION NO: 2347 OF 2024

Petition under Article 227 of Constitution of India aggrieved by the order dated 01.08.2024 in I.A.No.367 of 2024 in M.V.O.P.No.47 of 2023 on the file of the Court of the Motor Vehicles Accidents Claims Tribunal (II Additional District Judge) Parvathipuram.

Between:

Shriram general insurance co. Ltd., Rep. by its Senior Divisional Manager, Venkataraju Nagar, Dondaparthi, Near Railway Station Road, Visakhapatnam District

...Revision Petitioner/
Petitioner/Respondent No.2

AND

1. Vasantala Venkatamma @ Venkati, W/o.Somasekhara Rao, Aged 35 years. Labour, Caste by Dasari R/o. Kattula Kaviti Village, Veeraghattam Mandal, Parvathipuram Manyam District.

...Respondents/
Respondents/Claim Petitioner

2. Kothavalasa Jagadeeswara Rao, S/o. Late Joginaidu, aged 60 years, T. Kapu by caste, Kattula Kaviti Village Veeraghattam Mandal, Parvathipuram Manyam District, Driver Cum Owner of Auto bearing No.AP 30 TC 2295.

...Respondents/

Respondents/Respondent No.1

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant stay of all further proceedings in MVOP No.47 of 2023 on the file of Motor Vehicles Accidents Claims Tribunal (II Addl. District Judge, Parvathipuram) pending disposal of the above revision petition.

Counsel for the Petitioner: SMT. A JAYANTHI

Counsel for the Respondents: --

The Court made the following Order:

APHC010428762024



IN THE HIGH COURT OF ANDHRA
PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

[3332]

THURSDAY, THE THIRTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

CIVIL REVISION PETITION NO: 2347/2024

Between:

Shriram General Insurance Co. Ltd.,

...PETITIONER

AND

Vasantala Venkatamma Venkati and Others ...RESPONDENT(S)

Counsel for the Petitioner:

1.A JAYANTHI

Counsel for the Respondent(S):

1.

The Court made the following Order:

Impugning the orders dated 01.08.2024 in I.A.No.367/2024 in M.V.O.P.No.47 of 2023 on the file of the Motor Vehicles Accidents Claims Tribunal-cum-II Additional District Judge, Court, Parvathipuram, the present revision petition is filed.

02. Heard Ms.A.Jayanthi, learned counsel for the revision petitioner.

03. Learned counsel for the petitioner in elaboration to what has been stated in the affidavit contended that, the 1st respondent got filed M.V.O.P.No.47 of 2023 on the file of Motor Vehicles Accidents Claims Tribunal-cum-II Additional District Judge, Court, Parvathipuram in the month of May, 2023. By virtue of the amendment of M.V.Act and the Rules, which came into force on 01.04.2022 the limitation period for filing the claim for compensation is within six months from 01.04.2022. The petitioner is entitled to file the claim petition on or before 30.09.2022. But as seen from the E-Courts Status the petition was filed on 30.08.2023 beyond the limitation period.

04. In view of the same, the revision petitioner filed an interlocutory application under Order VII Rule 11 r/w 151 C.P.C,

to reject the main claim petition as the claim petition is barred by limitation. The Court below dismissed the same without appreciating the grounds raised. In view of the same prayed to allow the revision and dismiss the claim petition of the petitioner as time barred.

05. Perused the material available on record and considered the submissions.

06. The record would indicate that the 1st respondent invoking the provisions of Motor Vehicle Act, 2002, filed a petition vide MVOP.No.47 of 2023 in the month of May, 2023 on the file of Motor Vehicles Accidents Claims Tribunal Cum-II Additional District Judge, Parvathipuram, for grant of compensation for the injuries sustained by one Vasantala Venkatamma @ Venkati in an accident. The revision petitioner herein is the insurance Company. In the said O.P, the petitioner got filed I.A.No.367/2024 under VII Rule 11 r/w 151 CPC to reject the Original Petition filed by the 1st respondent on the ground that the same is barred by limitation. It is the contention of the revision petitioner that the Motor Vehicle Act particularly Section 166 (3) of M.V.Act has

has been amended wherein six months limitation has been fixed for filing claim petition from the date of accident.

07. In the present case, the contention is that though the accident took place prior to amendment, the claim petition has been filed beyond period of six months from the date of amendment and it is liable to be declared as barred by limitation and the same may be rejected. The first respondent got filed counter denying the averments duly stating that the amendment provision should be treated as prospective but not retrospective and prayed to dismiss the application.

08. Upon hearing the submissions made by the learned counsel for either parties, the court below framed the following point for consideration:

"..whether the main petition is liable to be rejected as barred by limitation?"

09. The court below has taken due note of the fact that in the present case accident occurred on 12.02.2020 and on the said date amendment to Motor Vehicle Act was not effected and held that it will not have any retrospective effect and accordingly, held that the petition is not barred by limitation and dismissed the

application. The Court below has properly dealt the issue and rightly came to the conclusion that the petition is not barred by limitation.

10. The petitioner has not made out any case warranting interference with the order impugned and the revision petition is liable to be dismissed.

Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs.

As a sequel, interlocutory applications pending, if any, in this case shall stand closed.

//TRUE COPY//

Sd/- P VINOD KUMAR
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Motor Vehicles Accidents Claims Tribunal (II Additional District Judge, Parvathipuram) Vizianagaram District.
2. One CC to Smt. A Jayanthi, Advocate [OPUC]
3. Three CD Copies

sree

HIGH COURT

DATED:13/03/2025

ORDER

CRP.No.2347 of 2024



**DISMISSING THE C.R.P.
WITHOUT COSTS**