

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
WEDNESDAY, THE TWENTIETH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO
CIVIL REVISION PETITION NO: 2790 OF 2024



Between:

Shriram General Insurance Co Ltd, Rep. by its Senior Divisional Manager,
Venkataraju Nagar, Dondaparthy, Near Railway station Road, Visakhapatnam

Revision Petitioner/ Petitioner/Respondent No.2

AND

1. Chenkula @ Benkili Divya, W/o. Neelakantam, Aged 24 years, labour,
Dasari by caste, R/o. Balagudaba Village, Parvathipuram 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

Petition under Article 227 of the Constitution of India is filed, praying that in the circumstances stated in the grounds filed herein, the High Court may be pleased to allow the CRP by setting aside the order dated 22.04.2024 in I.A.No.198 of 2024 in MVOP No.45 of 2023 on the file of the Motor Vehicles Accidents Claims Tribunal (II Addl. District Judge, Parvathipuram) and allow the I.A.No.198 of 2024 in MVOP No.45 of 2023 filed by the Revision Petitioner herein/Petitioner/Respondent No.2 in the main other order.

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.45 of 2023 on the file of Motor Vehicles Accidents Claims Tribunal (II Addl. District Judge,

Parvathipuram) , Pending disposal of CRP 2790 of 2024, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri A JAYANTHI Advocate for the Petitioner, and the Court made the following.

ORDER

“Heard the learned counsel for the petitioner.

The 1st respondent in this civil revision petition filed claim petition vide M.V.O.P.No.45 of 2023 on the file of the Chairman, Motor Vehicles Accidents Claims Tribunal-cum-II Additional District Judge, Parvathipuram, claiming compensation for the accident occurred on 12.02.2020 under Section 164 of the Motor Vehicles Act read with Rule 455 of the A.P.M.V.Rules, 1989.

The petitioner herein filed a petition vide I.A.No.198 of 2024 in M.V.O.P.No.45 of 2023 under Order VII, Rule 11 read with Section 151 Civil Procedure Code, seeking to reject the claim petition on the ground that the said M.V.O.P. is barred by limitation, as the claimant has not filed the petition within a period of six months from the date of the accident, in view of the amendment under Section 166 (3) of the Motor Vehicles Act. The said I.A. was dismissed by the learned Chairman, Motor Vehicles Accidents Claims Tribunal-cum-II Additional District Judge, Parvathipuram, vide order, dated 22.04.2024. Assailing the said order, the present revision petition is filed.

Learned counsel for the petitioner has relied on the judgment of the High Court of Judicature at Madras in C.R.P.(P.D) No.4066 of 2022, dated 07.12.2022, wherein the learned single Judge held that even the accident occurred prior to amendment, the claim petition has to be filed within six months reckoning the date of amendment i.e., 01.04.2022.

In view of the judgment relied by the learned counsel for the revision petitioner, there shall be an interim stay of all further

proceedings in M.V.O.P.No.45 of 2023 on the file of the learned Chairman, Motor Vehicles Accidents Claims Tribunal-cum-II Additional District Judge, Parvathipuram, for a period of four weeks.

List the matter after three weeks.

In the meanwhile, learned counsel for the petitioner is permitted to take out personal notice to the respondents by registered post with acknowledgment due and file proof of service in the Registry."

Sd/- K. J. RAJA BABU
ASSISTANT REGISTRAR

//TRUE COPY//

For

SECTION OFFICER

To,

1. The Motor Vehicles Accidents Claims Tribunal (II Addl. District Judge, Parvathipuram.
2. Chenkula @ Benkili Divya, W/o. Neelakantam, Aged 24 years, labour, Dasari by caste, R/o. Balagudaba Village, Parvathipuram Mandal, Parvathipuram Manyam District (by RPAD)
3. 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. (by RPAD)
4. One CC to SRI. A JAYANTHI Advocate [OPUC]
5. One spare copy

HIGH COURT

TRR,J

DATED:20/11/2024

POST AFTER THREE WEEKS

ORDER

CRP.No.2790 of 2024

INTERIM STAY

