



2026:CGHC:21523

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CR No. 158 of 2025

Branch Manager S.B.I. General Insurance Company Branch Office 9th Floor A
And B Wing Fulkrum Business Shahar Road, Ashok Nagar, Andheri (East)
Mumbai - 400099 (Insurance Company)

... Petitioner.

versus

1 - Narayan Prasad Rathore S/o Mahadev Rathore Aged About 26 Years R/o
Village- Nawagaon, Po- Sarhar, Ps- Baradwar, District - Janjgir-Champa (C.G.)

2 - Uttam Kumar Rathore S/o Amarnath Rathore Aged About 34 Years R/o
Ompur, Quarter No. M-304, Rajgamar, Ps- Balconagar, Korba, Tehsil And
District- Korba (C.G.)

... Respondent(s)

(cause title downloaded from CIS Periphery)

For Applicant	:	Mr. KPS Gandhi, Advocate.
For Respondents	:	-

(Hon'ble Shri Justice Naresh Kumar Chandravanshi)

Order on Board

08/05/2026

Heard.

1. Learned counsel for the applicant submits that the **respondent No.1**/claimant filed a claim application under Section 166 of the Motor Vehicles Act, 1988 (henceforth "Act 1988"), before the **Motor Accidents Claims Tribunal, Korba**



(in brevity the "Claims Tribunal") on **26.07.2024** for grant of compensation in respect of accident occurred on **17.11.2022**, which has been registered as **Claim Case No.42/2024**. Since the claimant filed the claim application under Section 166 of the Act 1988 after lapse of 6 months from the date of the accident, the applicant herein (Insurance Company) filed an application under Order 7 Rule 11 of the CPC read with Section 3 of the Limitation Act, however, the same has been rejected by the learned Claims Tribunal.

2. Learned counsel further submits that the issue relating to the applicability of the Limitation Act in applications filed under Section 166 of the Act 1988 is currently pending consideration before the Hon'ble Supreme Court. In a batch of related proceedings, the Hon'ble Apex Court has directed that claim applications under Section 166 ought not be dismissed on the grounds of limitation, rather, final orders should not be passed while the issue of limitation remains pending before the Apex Court.
3. Hence, learned counsel for the petitioner prays that, at this stage, this revision may be disposed of with a direction to the learned Claims Tribunal to proceed with the matter, provided that no final order be passed until the adjudication of the issue by the Hon'ble Apex Court.
4. Here the grievance of the applicant herein is that even after lapse of 6 months from the date of accident, the concerned Tribunal has registered the motor accident claim case for hearing.
5. The Hon'ble Supreme Court in **ICICI Lombard General Insurance Company Limited v. Ayiti Navaneetha and others (Special Leave to Appeal (C) Nos. 8412-8413/2023 and connected matters)** vide order dated 04.11.2025, specifically observed that the Tribunals and the High Courts shall not dismiss claim cases on the ground that such cases are barred by limitation under



Section 166(3) of the Act 1988. The Similar issue is also pending consideration before the Hon'ble Supreme Court in **Bhagirathi Dash v. Union of India and another (Writ Petition (Civil) No. 166/2024)**. Thus, it is explicit that the subject issue is pending consideration before the Hon'ble Apex Court.

6. In view of the aforesaid judgments of the Hon'ble Supreme Court and considering the submission of the applicant, instead of keeping the present revision pending, without entering into the merits of the case, the same is disposed of directing the concerned Claims Tribunal to proceed in the concerned claim case in accordance with law, however, no final order shall be passed until the issue of limitation is finally adjudicated by the Hon'ble Apex Court in the afore-cited cases or in other similar cases.
7. It is also observed that in the eventuality of any subsequent development or authoritative pronouncement by the Hon'ble Supreme Court in respect of the subject issue, it shall be open to either party to bring the same to the notice of the concerned Tribunal, which shall thereafter proceed to pass appropriate orders strictly in accordance with law and in consonance with such pronouncement.
8. With the aforesaid observation and direction, this revision petition stands disposed of.
9. Pending application(s), if any, also stands disposed of.

Sd/-

(Naresh Kumar Chandravanshi)
Judge

Ajay