



2025:CGHC:10682

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HIGH COURT OF CHHATTISGARH AT BILASPUR

CR No. 116 of 2024

1 - Shriram General Insurance Company Limited Through Manager, 4th Floor,
Maruti Heights, G.E. Road Near Sky Maruti Dealer, Raipur, Tehsil And Distt
Raipur (C.G.) (Non Applicant No. 3)

... Applicant

versus

1 - Dilchand Dewangan S/o Shatrughan Dewangan Aged About 23 Years R/o
Village Birra (Bhatapara), Thana Birra, Tehsil Bamhanidieh, Distt Janjgir-
Champa (C.G.) (Claimant/plaintiff)

2 - Shankar Kashyap S/o Rameshwar Kashyap Aged About 25 Years R/o
Village Malda, Thana Hasoud, Tehsil Jaijaipur Distt Janjgir-Champa (C.G.)
(Owner/non Applicant No. 1)

3 - Kamal Kumar Verma S/o Ramchand Verma R/o Village Sonadula Bilaigarh,
Thana And Tehsil Bilaigarh, Distt Baloda Bazar (C.G.) Currently R/o Botlada
Tractors Jaijaipur, Thana And Tehsil Jaijaipur, Distt Janjgir-Champa (C.G.)
(Driver/non Applicant No. 2)

... Respondents

For Applicant : Ms. Santoshi Yadav, Advocate

For Respondent No.1 : Mr. Shivam Mishra, Advocate

Hon'ble Shri Justice Deepak Kumar Tiwari
Order On Board

05/03/2025

1. This Revision has been filed challenging the order dated 21.06.2024 passed in Claim Case No.31/2023 by the 1st Motor Accident Claims Tribunal, Janjgir, District Janjgir-Champa (C.G.), whereby the application preferred by the applicant/Insurance Company under Order 7 Rule 11 of the CPC was dismissed.
2. Learned counsel for the applicant submits that the provisions of Section 5 of the Limitation Act are not applicable to the proceedings under the Motor Vehicles Act. However, the Tribunal has proceeded with the matter by allowing the application under Section 5 of the Limitation Act, which is not maintainable. He submits that as per Section 166 (3) of the Motor Vehicles Act, 1988, there is a limitation of six months for preferring a Claim Petition and there is no provision for condonation of delay or extension of time for filing the said Claim Petition. Hence, the Tribunal should not have condoned the delay. Learned counsel further submits that the matter is pending adjudication in the matter of **Cholamandalam MS General Insurance Company Limited vs. Shreelakshmi T & Others** in Petition(s) for **Special Leave to Appeal (C) No(s).9152/2023**, wherein the Hon'ble Supreme Court has granted stay in favour of the Insurance Company. It is further submitted that the High Court of Kerala has also taken a view in the matter of **Akshay Raj**

vs. **Ministry of Law and Legislative Department, 2023 LiveLaw (Ker) 50** that the matter is condonable. However, the said order has also been challenged before the Supreme Court in **SLP (Civil) Diary No.23834/2023** and the said matter is pending consideration before the Supreme Court.

3. In the matter of **Malrawan vs. Praveen Travels** reported in **2023 SCC Online Madras 5467**, the Madras High Court has taken a view that in view of the provision contained under Section 159 of the Motor Vehicles Act, once it is incumbent upon the Police to forward the First Accident Report (FAR) and Detailed Accident Report (DAR) to the Claims Tribunal, the said report can also be treated to be a Claim Petition in terms of Section 166 (4) of the Motor Vehicles Act. Therefore, mere pendency of matters before the Supreme Court concerning applicability of the Limitation Act would not be a sufficient ground to interfere in the matter.
4. In the matter of **Akshay Raj** (supra), the Kerala High Court has also considered the effect of Annexure XIII to Central Motor Vehicles Rules as also the aspect of statutory liability to submit the DAR.
5. Since the issue concerning delay in filing the Claim Petition under Section 166 (3) of the Motor Vehicles Act and the mandatory requirement of submission of DAR before the Claims Tribunal by the Police has been raised before the Supreme Court, which was decided by the Kerala High Court in **Akshay Raj** (supra), the present Revision is disposed of directing the Claims Tribunal not to pass final award in

Claim Petitions pending before it till the aforesaid issues are decided conclusively by the Supreme Court.

6. The Tribunal is further directed to reconsider the application and pass a fresh order after adjudication of the issue, which is pending before the Hon'ble Supreme Court.

Sd/-

(Deepak Kumar Tiwari)
Judge

Priyanka