



2026:CGHC:18224

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CR No. 155 of 2025**

1 - Icici Lombard General Insurance Company Limited Registered Office At Icici Lombard Hoiuse, 414, Veer Savarkar Marg Near Sidhhi Vinayak Temple, Prabhadevi, Mumbai M.H. Through Legal Manager - Deepak Soni, 33 Years, S/o Late M.L. Soni, Icici Lombard General Insurance Co.Ltd., 5th Floor, Sky Park, In Front Of Bahatiya Hospital, Civil Lines, Raipur, Chhattisgarh.

... Applicant**versus**

1 - Bajrang Lal Bansal S/o Suraj Mal Bansal Aged About 59 Years Resident Gopal Provision Store, Power House Road, Korba, Tahsil And District Korba, Chhattisgarh.

2 - Bharat Singh Chauhan Son Of Lal Singh Chauhan Aged About 23 Years Resident Of Village Hardibazar, Police Station Kusmunda, Tehsil Hardibazar, District Korba, Chhattisgarh.

3 - Banwari Lal S/o Nema Ram Aged About 5 Years Resident Govind Ram Bhavnani, Hemu Colony, Pali, Police Station Pali, Tahsil Pali, District Korba, Chhattisgarh.

... Respondent(s)**(Cause Title is taken from CIS System)**

For Applicant : Mr. Raja Sharma, Advocate



Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

21/04/2026

1. The present civil revision has been preferred under Section 115 of the Code of Civil Procedure, 1908, assailing the legality, propriety and correctness of the impugned order dated 23.04.2025 passed by the learned Motor Accident Claims Tribunal (MACT), Katghora, District Korba (C.G.) in Claim Case No. 53/2025, whereby the application filed by the applicant/insurance company under Order VII Rule 11 CPC seeking rejection of the claim petition has been rejected and, simultaneously, the application preferred by respondent No. 1 under Section 5 of the Limitation Act, 1963 for condonation of delay has been allowed. The applicant contends that the said order is wholly without jurisdiction and contrary to the statutory mandate.
2. Briefly stated, the facts of the case are that respondent No. 1/claimant filed a claim petition under Section 166 of the Motor Vehicles Act on 03.01.2024 in respect of an accident which allegedly occurred on 23.04.2022. Upon notice, the present applicant/insurance company entered appearance before the learned Tribunal and raised a preliminary objection with regard to the maintainability of the claim petition by filing an application under Order VII Rule 11 CPC, specifically pleading that the claim petition was barred by limitation and thus liable to be rejected at



the threshold. It is further the case of the applicant that the claimant, instead of meeting the legal objections raised, submitted a mechanical reply without addressing the statutory bar governing limitation. Simultaneously, the claimant filed an application under Section 5 of the Limitation Act, 1963 seeking condonation of delay in filing the claim petition, which was also duly opposed by the applicant. The applicant consistently contended before the Tribunal that by virtue of the amended provision under Section 166(3) of the Motor Vehicles Act, a claim petition is required to be filed within six months from the date of the accident and that there exists no provision empowering the Tribunal to condone delay beyond the prescribed period. Despite these specific objections, the learned Tribunal, by the impugned order dated 23.04.2025, rejected the application under Order VII Rule 11 CPC and allowed the application under Section 5 of the Limitation Act, thereby permitting the claim petition to proceed. Being aggrieved by the said order, which goes to the root of jurisdiction and maintainability, the applicant has preferred the present revision.

3. Learned counsel for the applicant vehemently submits that the impugned order passed by the learned Tribunal is *ex facie* illegal and suffers from jurisdictional error inasmuch as the Tribunal has exercised a power which is not vested in it under law. It is contended that the amendment to Section 166 of the Motor Vehicles Act, whereby sub-section (3) has been inserted, clearly mandates that no application for compensation shall be



entertained unless it is made within six months from the date of occurrence of the accident. The said provision, having come into force with effect from 01.04.2022, squarely governs the present case, as the accident in question occurred thereafter. Learned counsel further submits that the statutory prescription of limitation under Section 166(3) is absolute in nature and does not provide any scope for extension or condonation of delay. In absence of any enabling provision within the statute, recourse to Section 5 of the Limitation Act is impermissible, particularly at the stage of institution of the claim petition. It is argued that the Tribunal has committed a grave error in entertaining and allowing the application under Section 5 of the Limitation Act, which is not applicable in the facts and circumstances of the present case. It is also contended that the claim petition, having been filed beyond the statutory period of six months from the date of accident, was clearly barred by limitation and ought to have been rejected under Order VII Rule 11 CPC at the threshold. The learned counsel emphasizes that the Tribunal lacks inherent jurisdiction to entertain a time-barred claim in view of the express statutory bar, and any proceedings conducted in contravention thereof are null and void. Learned counsel further submits that analogous statutory provisions, such as those contained in Section 34(3) of the Arbitration and Conciliation Act, 1996, reflect a similar legislative intent where delay beyond the prescribed period cannot be condoned, thereby reinforcing the principle that when a statute



prescribes a specific limitation along with a bar, the same must be strictly adhered to. It is thus urged that the impugned order deserves to be set aside and the claim petition be rejected as not maintainable being filed beyond the statutory period.

4. I have heard learned counsel for the applicant and have also perused the documents enclosed along with the revision.
5. The core issue involved in the present case pertains to the maintainability of a claim petition filed beyond the prescribed statutory period of limitation under Section 166(3) of the M.V. Act and the jurisdiction of the Tribunal to condone such delay by invoking Section 5 of the Limitation Act, 1963.
6. Having considered the rival submissions and perused the material available on record, this Court finds that the principal grievance of the applicant seeking outright rejection of the claim petition on the ground of limitation cannot be accepted at this stage in light of the interim directions of the Hon'ble Supreme Court. The direction of the Apex Court clearly indicates that claim petitions should not be dismissed solely on the ground of limitation pending final adjudication of the issue, and therefore, the order passed by the learned Tribunal in proceeding with the claim petition cannot be said to suffer from such jurisdictional error or material irregularity as would warrant interference in exercise of revisional jurisdiction.
7. At the same time, the contention of the applicant with regard to limitation and jurisdiction cannot be brushed aside and deserves to be adequately safeguarded. Accordingly, it is directed that the



learned Motor Accident Claims Tribunal shall proceed with the adjudication of the claim petition in accordance with law. However, no final award shall be passed by the Tribunal until the issue relating to limitation under Section 166(3) of the M.V. Act is conclusively decided by the Hon'ble Supreme Court. It is further observed that all contentions of the applicant, including those relating to limitation, jurisdiction and applicability of the Limitation Act, are kept open to be urged at the appropriate stage, and the Tribunal shall consider the same independently, uninfluenced by any observations made herein.

8. It is also clarified that in the event of any subsequent authoritative pronouncement by the Hon'ble Supreme Court, it shall be open to the parties to bring the same to the notice of the Tribunal, which shall thereafter pass appropriate orders in accordance with law. In view of the aforesaid, the present civil revision stands disposed of in the above terms.
9. Any interim order, if any, stands vacated, subject to the directions issued hereinabove. Pending interlocutory applications, if any, also stand disposed of.

There shall be no order as to costs.

Sd/-

**(Amitendra Kishore Prasad)
Judge**

Shayna