



2026:CGHC:3725



2026:CGHC:3725

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CR No. 178 of 2025**

1 - Shriram General Insurance Company Ltd Through The Branch Manager 4th Floor. Maruti Heights Near Maruti Dealership G.E. Road Raipur Tahsil And District - Raipur (C.G.)

... Applicant**versus**

1 - Ramprasad Kawade S/o Bisahu Ram Kawade Aged About 52 Years Caste Gond R/o Village Kawade Para Dongargaon P.S. Korar, Tahsil Bhanupratappur, District - Uttar Bastar Kanker (C.G.)

2 - Smt. Dason Bai W/o Ramprasad Kawade Aged About 48 Years Caste Gond R/o Village Kawade Para Dongargaon P.S. Korar, Tahsil Bhanupratappur, District - Uttar Bastar Kanker (C.G.)

3 - Vimal Kawade S/o Ramprasad Kawade Aged About 28 Years Caste Gond R/o Village Kawade Para Dongargaon P.S. Korar, Tahsil Bhanupratappur, District - Uttar Bastar Kanker (C.G.)

4 - Ku. Vandana Kawade D/o Ramprasad Kawade Aged About 23 Years Caste Gond R/o Village Kawade Para Dongargaon P.S. Korar, Tahsil Bhanupratappur, District - Uttar Bastar Kanker (C.G.)

5 - Chhatrapal Singh Rajput S/o Uday Singh Rajput Aged About 26 Years R/o Talakurra P.S. Korar Tahsil Kanker District - Uttar Bastar Kanker (C.G.)

6 - Mukesh Kumar Banerjee S/o Bhagwat Ram Banerjee R/o Village Narra Post Barhi Tahsil And District - Balod (C.G.)



... Respondent(s)

(Cause Title is taken from CIS System)

For Applicant : Mr. Ashutosh Rathore, Advocate

For Resp. No. 1 : Mr. Siddharth Sharma, Advocate
to 4 : appearing on behalf of Mr. Suyashdhar
Badgaiya, Advocate

Hon'ble Mr. Justice Amitendra Kishore Prasad**Order on Board****21/01/2026**

1. This Civil Revision is filed under Section 115 of the Civil Procedure Code, 1908 being aggrieved by the impugned order dated 07.05.2025 passed by the First Additional Motor Accident Claims Tribunal, Uttar Bastar Kanker (C.G.) in Case No. MACT/127/2022.
2. The facts of the case, in brief, are that respondent Nos. 1 to 4 filed a claim application under Section 166 of the Motor Vehicles Act, 1988 before the First Additional Motor Accident Claims Tribunal, Uttar Bastar Kanker (C.G.), seeking compensation for the death of Late Biresh Kawade, which allegedly occurred in a road accident dated 16.12.2018. It was averred that the deceased was travelling on a motorcycle along with his friend Dilip from Village Korar towards Korargaon when their motorcycle was suddenly hit by another motorcycle bearing registration No. CG-24-K-9376, driven by respondent No. 5 and owned by respondent No. 6, resulting in the deceased sustaining grievous injuries to his head, chest, hands, legs and other parts of the body, to which he succumbed during the course of treatment. The claim petition, however, was



instituted on 22.11.2022, i.e. after a lapse of nearly four years from the date of the accident, and was therefore contended to be barred under Section 166(3) of the Motor Vehicles Act, 1988, prompting the revisioner to file an application under Order VII Rule 11 CPC seeking rejection of the claim petition. Despite the statutory bar and the submissions advanced in this regard, the learned Tribunal dismissed the said application in an arbitrary manner, leading to the passing of the impugned order and the filing of the present revision.

3. Learned counsel for the applicant submits that the impugned order passed by the learned Motor Accident Claims Tribunal suffers from material irregularities and patent illegality of a grave nature. It is contended that the Tribunal has failed to exercise jurisdiction in accordance with law and has passed the order in disregard of the statutory mandate, thereby rendering the impugned order unsustainable and liable to be set aside by this Court. It is further submitted that the learned Tribunal has committed a serious jurisdictional error by exercising a power which is not vested in it under the Motor Vehicles Act, 1988. The Act does not confer any power upon the Tribunal to condone delay in filing an application under Section 166 of the Motor Vehicles Act. Learned counsel emphasizes that neither the principal Act nor the Motor Vehicles (Amendment) Act contains any provision creating an exception or saving clause for accidents that occurred several years prior to the enforcement of the



Amendment Act. In the absence of any such statutory empowerment, the Tribunal ought to have allowed the application filed by the revisioner under Order VII Rule 11 CPC. Learned counsel further submits that the Motor Accident Claims Tribunal is a creature of statute, constituted under the Motor Vehicles Act, 1988, and is bound to function strictly within the four corners of the statute. The Tribunal cannot travel beyond the express provisions of the Act or assume equitable jurisdiction where none exists. By entertaining a time-barred claim petition, the Tribunal has acted de hors the statutory framework governing its powers. It is also contended that the learned Tribunal failed to appreciate that the claim petition in question is governed by the provisions of the Motor Vehicles (Amendment) Act, 2019, which came into effect from 01.04.2022. Since the application under Section 166 of the Motor Vehicles Act was admittedly filed after the said date, the amended provisions squarely apply. As per the amended law, such applications cannot be entertained beyond a period of six months. In the present case, the claim petition was filed after more than eight months from 01.04.2022, and therefore, was clearly barred by limitation. On this ground alone, the application filed by the revisioner deserved to be allowed. Learned counsel further submits that the learned Tribunal has erred in ignoring the settled position of law as laid down by the High Court of Madras in *Santhi & Ors. Vs. Suresh & Anr.* (C.R.P. (P.D.) No. 4066/2022), wherein it has been categorically held that in cases where the accident occurred prior to 01.04.2022, an application under



Section 166 of the Motor Vehicles Act must be filed within a period of six months from the date the Amendment Act came into force, i.e., 01.04.2022. A similar view has also been taken by the High Court of Kerala in Biju Mathew Vs. Suraj Mon. K. Shaji (2022 0 Supreme (Ker) 854). Lastly, learned counsel submits that the issue involved in the present revision is presently sub judice before the Hon'ble Supreme Court in ICICI Lombard Vs. Ayiti & Others, and therefore, the Tribunal ought to have exercised due judicial restraint while passing the impugned order. In view of the aforesaid submissions, it is prayed that this Court may be pleased to set aside the impugned order dated 07.05.2025 and dismiss the application under Section 166 of the Motor Vehicles Act filed by the claimants, in the interest of justice.

4. Learned counsel appearing for the respondents No. 1 to 4 submits that the submissions advanced on behalf of the applicant/revisioner are misconceived, untenable in law, and liable to be rejected. It is contended that the learned Motor Accident Claims Tribunal has rightly dismissed the application under Order VII Rule 11 CPC, and the impugned order does not suffer from any illegality or jurisdictional error warranting interference by this Court. Learned counsel for the respondents submits that the reliance placed by the applicant on Section 166(3) of the Motor Vehicles Act, as amended, is wholly misplaced in the facts of the present case. The accident in question admittedly occurred on 16.12.2018, much prior to the coming into force of the Motor



Vehicles (Amendment) Act, 2019 with effect from 01.04.2022. It is a settled principle of law that unless expressly provided, an amendment affecting substantive rights cannot be given retrospective operation. The amended provision prescribing limitation under Section 166(3) cannot therefore be made applicable to accidents which occurred prior to the date of amendment. It is further submitted that the right to claim compensation under the Motor Vehicles Act accrues on the date of accident. On the date of the accident, i.e., 16.12.2018, there was no statutory bar or rigid period of limitation under Section 166 of the Motor Vehicles Act. Therefore, the respondents' right to file a claim petition had already crystallized, and the same cannot be taken away or curtailed by a subsequent amendment, unless the statute expressly so mandates, which is not the case here. Learned counsel further submits that the Motor Vehicles Act is a beneficial and welfare-oriented legislation enacted with the object of providing just and reasonable compensation to victims of road accidents and their dependents. The provisions of the Act are required to be interpreted liberally in favour of claimants rather than in a narrow or hyper-technical manner. Dismissing the claim petition on the ground of limitation, particularly when the accident occurred prior to the amendment, would defeat the very purpose and object of the Act. Learned counsel further submits that the Motor Accident Claims Tribunal, while adjudicating claims, is not expected to adopt a pedantic or overly technical approach, particularly in matters concerning compensation for loss of life.



The Tribunal has acted within its jurisdiction and in consonance with the object of the Act, and no perversity or arbitrariness can be attributed to the impugned order. In view of the aforesaid submissions, learned counsel for the respondents prays that the present revision be dismissed, as the impugned order passed by the learned Tribunal is legal, proper and does not call for any interference by this Court.

5. Having heard learned counsel for the parties at length and upon careful perusal of the record, this Court finds that the present Civil Revision under Section 115 of the Code of Civil Procedure, 1908 has been filed assailing the order dated 07.05.2025 passed by the First Additional Motor Accident Claims Tribunal, Uttar Bastar Kanker (C.G.) in Case No. MACT/127/2022, whereby the application filed by the revisioner under Order VII Rule 11 CPC seeking rejection of the claim petition under Section 166 of the Motor Vehicles Act, 1988 has been dismissed.
6. The core issue for consideration before this Court is whether the learned Tribunal committed any jurisdictional error or material irregularity in declining to reject the claim petition on the ground of limitation by invoking Section 166(3) of the Motor Vehicles Act, as amended.
7. Undisputedly, the accident in question occurred on 16.12.2018. The claim petition under Section 166 of the Motor Vehicles Act was filed on 22.11.2022. The contention of the applicant is that in view of the Motor Vehicles (Amendment) Act, 2019, which came



into effect from 01.04.2022, the claim petition ought to have been filed within six months and, having been filed beyond the said period, was barred by limitation. This Court is unable to accept the said contention. It is a settled principle of law that the right to claim compensation under the Motor Vehicles Act accrues on the date of accident. On the date of accident, i.e., 16.12.2018, there was no statutory limitation prescribed under Section 166 of the Motor Vehicles Act barring the filing of a claim petition. The amendment introducing limitation cannot be construed to have retrospective operation so as to take away or curtail a vested and accrued right, in the absence of an express legislative intent to that effect. The Motor Vehicles (Amendment) Act, 2019 does not contain any provision expressly making Section 166(3) retrospective in nature.

8. The scope of interference under Section 115 CPC is limited. This Court can interfere only when the subordinate Court has exercised jurisdiction not vested in it by law, failed to exercise jurisdiction so vested, or acted with material irregularity in the exercise of its jurisdiction. In the present case, the learned Tribunal has neither exceeded its jurisdiction nor acted with material irregularity. On the contrary, it has rightly refused to adopt a hyper-technical approach in a matter arising under a beneficial and welfare-oriented legislation.
9. The Motor Vehicles Act is intended to provide just compensation to victims of road accidents and their dependents. A liberal



interpretation advancing the object of the Act is warranted, particularly where the accident occurred prior to the amendment. Rejection of the claim petition at the threshold, in such circumstances, would defeat the very purpose of the legislation.

10. Accordingly, this Court is of the considered opinion that the impugned order dated 07.05.2025 passed by the learned Motor Accident Claims Tribunal does not suffer from any illegality, perversity, or jurisdictional error warranting interference under Section 115 CPC.
11. The Civil Revision is devoid of merit and is hereby **dismissed**. The impugned order dated 07.05.2025 passed by the First Additional Motor Accident Claims Tribunal, Uttar Bastar Kanker (C.G.) in Case No. MACT/127/2022 is affirmed.

No order as to costs.

Sd/-

(Amitendra Kishore Prasad)
Judge

Shayna