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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **MAC.APP. 63/2024**

SAEED AHMED & ORS.

..... Appellants

Through: Mr. Sanjeev Sahay, Mr. Shagun
Saproo and Mr. Karan Deep
Singh, Advs.

versus

JAYPAL & ORS.

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

% **25.01.2024**

1. This hearing is being conducted through hybrid mode.

CM APPL. 4867/2024 (Ex.)

2. Allowed, subject to all just exceptions.

3. The application stands disposed of.

CM APPL. 4868/2024 (Delay of 93 days in re-filing the present appeal)

4. This application has been moved on behalf of the appellants seeking condonation of delay of 93 days in re-filing the present appeal.

5. For the reasons stated in the present application, the delay of 93 days in re-filing the present appeal is condoned.

6. The application stands disposed of.



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7. The appellants, who are the parents of the deceased, assail the impugned judgment-cum-award dated 22.07.2023, passed by learned Presiding Officer, MACT, South-East, Saket Court, New Delhi, whereby the claim petition has been found to be barred by limitation, since the same was not filed within a period of six months as provided under Section 166(3) of the Motor Vehicle Act, 1988.

8. Learned counsel for the appellants has referred to the observations made by the learned MACT contained in paragraph (12) and onwards. It is pointed out that the decision arrived at is contrary to the letter and spirit of the law. In this regard, reliance has been placed on a decision of the Madras High Court in **Malavaran v. Praveen Travels Pvt. Ltd.** (2023 SCC OnLine Mad 5467).

9. The issue raised by the learned counsel for the appellant requires deeper examination.

10. None appeared on behalf of the respondents despite advance notice. Let fresh notice of the present appeal be issued to the respondents by all permissible modes including *via* approved courier as well.

11. Re-notify on 01.03.2024.

DHARMESH SHARMA, J.

JANUARY 25, 2024

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