

C.R.P.No.2558 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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**Reserved on : 31.07.2023**

**Pronounced on : 18.08.2023**

CORAM

**THE HONOURABLE MR. JUSTICE V. LAKSHMINARAYANAN**

**C.R.P.No.2558 of 2023**

Malaravan

...Petitioner/Claimant

Vs.

1.Praveen Travels Private Limited,  
No.115/6, Santhavellore Village,  
Sunguvarchathiram,  
Sriperumbuddur Taluk,  
Kancheepuram - 602 105.

2.Nethaji,  
Driver of TN-87A-9712

3.GO Digital General Insurance Limited,  
Atlantis 95,  
IV Cross Road,  
Koramangala Industries Layout,  
V Block, Bengalure,  
Karnataka - 560 095.

...Respondents/Respondents

**Prayer:** Petition filed under Article 227 of the Constitution of



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India to allow the Civil Revision Petition by numbering  
M.A.C.T.O.P.(SR).No.3280 of 2023 dated 25.04.2023 on the file of  
the learned Judge, Motor Accidents Claims Tribunal, Court of  
Small Causes, Chennai.

For Petitioner : Mr.M.Jaisingh

For Respondents : Mr.N.Vijayaraghavan  
Amicus Curiae

### **ORDER**

The present revision petition raises a very interesting question of law. The question of law is being interpretation of Section 166 (3) of the Motor Vehicles Act.

#### **Facts of the case:**

2.The case of the petitioner is that he was driving towards Oragadam Village on his way back home. The 1<sup>st</sup> respondent's vehicle was driven by the 2<sup>nd</sup> respondent in a negligent manner which resulted in injury. The date of the accident is on 11.10.2022. He filed his Claim Petition claiming that, compensation under Section 140 read with Section 166 of the Motor Vehicles Act, 1988, in M.A.C.T.O.P.(SR).No.3280 of 2023



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on 19.04.2023. The said petition was returned on 25.04.2023. The

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return reads as follows:

*"Petition is returned as per limitation barred."*

Challenging the said return, the present revision has been filed.

3.Mr.Jaisingh, learned counsel appearing for the petitioner would submit that the Claim Petition was filed with a delay of 8 days due to his treatment. On account of the accident, the petitioner suffered fracture in his left leg and so, he had to rely upon his family members for his day to day life. Hence, he could not file the claim petition within six months. He would state that he was suffering from disability as the Doctors have advised him, being a compound wound he would have to take bed rest and consequently, there is a delay. He would request a direction to be given in the Revision to number the MACTOP.

4.Considering the importance of the issue, I appointed



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Mr.N.Vijayaraghavan, Advocate, Madras High Court, as an

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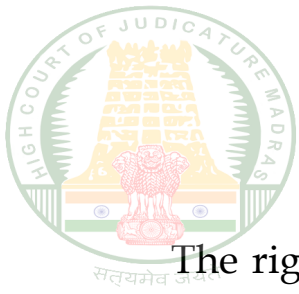
Amicus Curiae. This Court places on record its gratitude for the ready acceptance of this assignment by Mr.N.Vijayaraghavan.

The learned counsel has been appointed as Amicus Curiae in several matters by this Court and by the Supreme Court in matters relating to insurance and the interpretation of Motor Vehicles Act.

History of limitations to petitions for compensation:

5.Before dealing with the merits of the case, it is necessary to deal with how the Law relating to Limitation arose in the Motor Vehicles Act.

6.The first statutory intervention with respect to Motor Vehicles came under the Motor Vehicles Act, 1939. This legislation was in force for nearly fifty years. Under Section 110A of the Motor Vehicles Act, the period of limitation for the purpose of making a claim was “six months” from the date of the accident.



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The rigour of the Section was softened by a proviso being added to the said Section. Under that proviso, it was left to the discretion of the Motor Accidents Claims Tribunal to condone the delay in filing the petition claiming compensation if “sufficient cause” had been shown. This applied for any length of delay and it was not confined to any particular period.

7.The Motor Vehicles Act of 1939, was repealed by the consolidated legislation in 1988. The said Motor Vehicles Act of 1988 came into force on 01.07.1989. Under the new Act, Section 166 was introduced. The period of limitation for filing a claim was six months. The unbridled discretionary power granted to the Court under the proviso to Section 110A was taken away, though not in its entirety, but was confined only to a further six months period. This led to a lot of litigations as the claims were filed after the condonable period.

8.Taking into consideration the difficulties that have been



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caused to the claimants, the Parliament amended Section 166 of the Motor Vehicles Act of 1988. The proviso which restricted the power of the Tribunal to condone the delay only upto six months (beyond the original period of six months) was deleted. This was as per Act 56 of 1994. The said amendment came into force on 14.11.1994.

9. Interpreting the amended Section 166 of the Act, the Supreme Court was pleased to hold in **Dhannlal v. D.P. Vijayvargiya and others [1996 (4) SCC 652]** as follows:

*“It can be said that Parliament realised the grave injustice and injury which was being caused to the heirs and legal representatives of the victims who died in accidents by rejecting their claim petitions only on ground of limitation. It is a matter of common knowledge that majority of the claimants for such compensation are ignorant about the period during which such claims should be preferred. After the death due to the accident, of the bread earner of the family, in many cases such claimants are virtually on the streets. Even in cases*



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where the victims escapes death some of such victims are  
hospitalized for months if not for years..."

10.By virtue of this Judgment, persons approached the Court after any length of time. The provisions stood still, till the new amendment to Section 166 of the Act. Under the new Section 166 which came with effect from 01.04.2022, the period of limitation has been re-introduced. Section 166 reads as follows:

*"166.Application for compensation.- (3)No application for compensation shall be entertained unless it is made within six months of the occurrence of the accident.*

*(4)The Claims Tribunal shall treat any report of accidents forwarded to it under Section (159) as an application for compensation under this Act. "*

11.Under this provision no claim can be entertained beyond the period of six months from the date of the accident. Perhaps this has worked on the mind of the learned Judge to come to the conclusion that the MACTOP filed by the Civil Revision



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Petitioner is barred.

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12.Mr.N.Vijayaraghavan, the learned Amicus Curiae would take me to the history behind Section 158(6) of the Motor Vehicles Act (prior to Section 159). According to him, the said Section was introduced by the Parliament under Act 56 of 1994 with effect from 14.11.1994. He would state that this was in recognition of “Epistolary Jurisdiction” developed by the Supreme Court in public interest litigations. He would state that by virtue of Section 158(6), an FIR registered by the Police was mandated to be filed before the jurisdictional Claims Tribunal as well as before the State Legal Services Authority. He would bring to my notice that Section 158(6) (now Section 159) was never given life till the substantial amendments were made on 01.04.2002.

13.On 01.04.2022, Chapter XI to the Motor Vehicles Act was introduced. It is the submission of the learned Amicus that





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Section 159 (*Pari materia* to 158(6)) has to be read along with the newly introduced Sections. He adds Section 159 will have to be read along with the Rules which have been notified by the Government of India titled to the “Central Motor Vehicle Rules”.

Section 159 reads as follows:

*“159.Information to be given regarding accident.- The police officer shall, during the investigation, prepare an accident information report to facilitate the settlement of claim in such form and manner, within three months and containing such particulars and submit the same to the Claims Tribunal and such other agency as may be prescribed.”*

14.Section 159 mandates that on the occurrence of the accident the police should file FIR and when read with the rule send a copy of the same within 48 hours within the jurisdictional MACT. This in line with 150A of the Central Motor Vehicle Rules (CMV). He would state that the procedure that has been found gets inspiration from the Judgment of the Hon'ble Mr. Justice



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J.R.Midha (As His Lordship then was) of the Delhi High Court in

**R.Rajesh Tyagi I to Rajesh Tyagi IV.**

Regime between 2017 and 2022 in Tamil Nadu:

15.The learned Amicus Curiae would bring to my notice to the Judgment of the Supreme Court in **Jayapraksh v. National Insurance Company Limited** by a judgment dated 13.05.2016. It extended the principle that had been laid down by the Delhi High Court in the aforesaid judgment PAN India. He would also bring to my notice to the Judgment of this Court in the case of **Cholamandalam MS General Insurance Company Limited, II Floor, Date House, 2, NSC Bose Road, Chennai - 600 001 v. The Inspector of Police, Cuddalore OT Police Station, Cuddalore, in CrI.O.P.No.18110 of 2016 dated 12.09.2017** Paras 21 and 22 read as

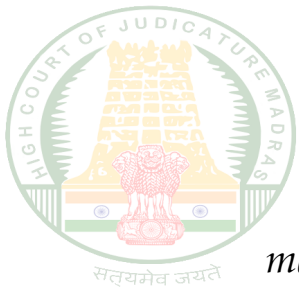
follows:



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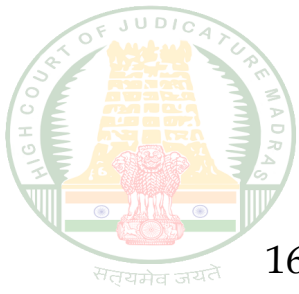
*“21 While the Motor Accidents Claims Tribunals were afforded access first, and then Legal Services Authorities, and then insurance companies and transport corporations, SCRB took time to provide access to the victims/claimants and owners/drivers (who could be christened as accused at one level). SCRB has now completed the circle by providing access to the last segment also at a low price on and from 31/8/2017, within the promised dateline or mandated timeline of this Court. It adds a feather to the cap of SCRB for not only conceiving this facility but ensuring its implementation without any time overruns as well. Tamil Nadu Police can take pride that they have met the mandate of law and leading the way as the first and only State as on date in implementation of DAR regime.*

*22. The claimants/victims and owners/drivers, when they are registered and their details captured with mobile numbers, are given an One Time Password (OTP) with which they can have access to the uploaded DAR compilation for a small fee of Rs.10/- per document. In fact, if there is proper marketing of this dispensation and the ordinary citizen becomes aware, possibly, just possibly, the sale and purchase of victims as commodities*



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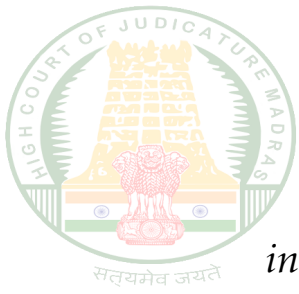
*may cease and the claimants/victims may get full control over their lives and claims to seek their own counsel and file claims of their choice, rather than being peddled as commodities for a price, immediately upon an accident, and being more often than not compelled, to file claims through a select community of practitioners who dominate the jurisdiction. So, the benefits flowing from this DAR regime are limitless except that it is for the stakeholders to appreciate, assimilate, understand and utilize it to their benefit. SCRB may be doing their job by uploading the data and offering it on a platter to the stakeholders, all of them, in particular, the claimants/victims, at their door step. If the claimants/victims become aware of this facility and wait a wee bit, they can avoid themselves being sold as commodities, since access to documentation under the DAR regime is within their grasp to take full control of their claims. But, if the claimants/victims fail or refuse to take advantage of this wonderful dispensation, we would still not be failing in our duty, for claimants/victims may be failing themselves. We can take the horse to the water but it is for the horse to drink for we cannot coerce it into doing so."*



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16. By virtue of these Judgments, the development in Information Technology which was rapid in other fields was embraced under the Motor Vehicles Act. Insofar as the State of Tamil Nadu is concerned, Rule 4A(5) was introduced by the Tamil Nadu Motor Vehicles Accidents Claims Tribunal Rules, 1989. This was pursuant to the “nudge” given by the Court in the aforesaid Judgement. The said Rule reads as follows:

*4-A. (1) Notwithstanding anything contained in rule 3 and 24, any Police Officer not below the rank of a Sub-Inspector of Police, who is entrusted with the investigation of the motor vehicles accident, shall, without waiting for the result of the investigation or prosecution and as expeditiously as possible get an application in Forms I and II appended to these rules from the party injured in the accident or all or any of the legal representatives of the deceased, as the case may be, and forward the same to the Claims Tribunal, who shall treat it an application for the purpose of section 140 and 166 of the Act. The said Police Officer shall also gather full particulars of the Insurance Certificate in respect of the motor vehicle*



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*involved in the accident and furnish them to the injured party or to the legal representatives of the deceased. The party concerned shall, before the Tribunal passes the award, pay the fee prescribed in rule 24. An officer investigating into an accident shall, after a case is registered forward copies of the First Information Report relating to the accident to (i) the Claims Tribunal having jurisdiction; and (ii) the President of the District Committee for Legal Aid and Advice concerned constituted by the Tamil Nadu State Legal Aid and Advice Board; An officer investigating into an accident shall, immediately after an accident is registered, also furnish the particulars to the nearest Legal-Aid Committee or centre constituted by the Tamil Nadu State Legal Aid and Advice Board in Form III Appendix III to/these rules. Notwithstanding anything contained in sub-rule (3), the officer of the Transport Department inspecting the vehicle involved in an accident shall furnish immediately the following information to the Insurance Company with which the vehicle is insured; –*

- (i) Name and address of the owner of the vehicle;*
- (ii) Name of the driver and/or conductor;*
- (iii) Registration number of the vehicle;*



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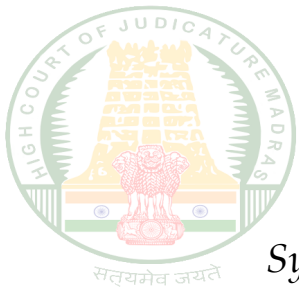
(iv) Particulars of permits if any, in respect of the vehicle, with validity;

(v) Date of expiry of fitness certificate; and

(vi) Date of expiry of the insurance.

(5) (i) All the documents related to motor vehicles accidents including the report in Form IV shall be uploaded digitally or scanned or by any other means by the Investigating Officer on Crime and Criminal Tracking Network and Systems (CCTNS) platform and the same may be forwarded to the Claims Tribunal and Legal Service Authority digitally. Upon such uploading of documents, the State Crime Records Bureau (SCRB) shall duly intimate the report in Form IV digitally to the Claims Tribunal and Legal Service Authority concerned in the State. (ii) All the Stake holders such as Insurance Companies, Transport Corporation, owners of Motor Vehicles, drivers of Motor Vehicles, Claims Tribunals, Legal Service Authorities etc., can have access to the Crime and Criminal Tracking Network and Systems (CCTNS) platform and download the relevant documents related to Motor Vehicles Accidents Claims on payment basis or free of cost as per prevailing practice. (iii) In view of the online Crime and Criminal Tracking Network and



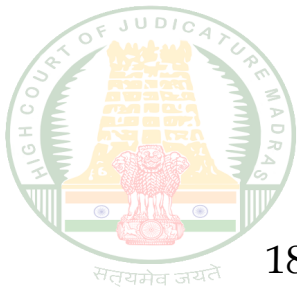


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**WEB COPY** *Systems (CCTNS) platform developed by the State Crime Records Bureau (SCRB) and availability of necessary documents relating to Motor Accidents online for download by all stake holders, the need for physical preparation and submission of Detailed Accident Report (DAR) documents to all stake holders is hereby dispensed with"*

17.A conjoint reading of these rules shows that in the State of Tamil Nadu, all the documents relating to the motor vehicles accidents including the report under Form - IV are digitally uploaded on to the CCTNS platform. A direction was given under Rule 4(A)(5) (I) to forward the same to the Claims Tribunal or Legal Services Authority digitally. It empowered all stakeholders such as, Insurance Companies, Transport Corporation, owners of the motor vehicles, drivers, Claims Tribunal, Legal Services Authority to have the access to CCTNS platform. It enables them to download the relevant documents of the motor vehicles claim on payment of charges or free of costs.





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18.The learned Amicus Curiae would submit that the nominal charges have been levied by the State Crime Record Bureau which has been issued in order to develop the platform further. This amendment insofar as the Tamil Nadu came into force pursuant to the Judgment of this Court. The statistics of the crime record bureau shows from 2017 onwards as many as 10,55,158 documents relating to motor accidents are available for download/access by all stakeholders. All that the stakeholders have to do is download the documents and register it as a claim. The learned Amicus represents that though the feast is ready, the invitees to the party, namely, the MACT, victims, etc., are yet to partake in the same.

Shift from right to duty:

19.The Parliament taking note of such a rapid development in Information Technology introduced Section 166(3) and 166(4) of the Motor Vehicles Act. These Sections have to be read along



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with Rule 150A read with Annexure XIII of Central Motor Vehicles Rules with Forms I to IX. If they are read so, then it is no more the right of an accident victim to file a claim petition under Section 166 but it has bloomed into a full fledged duty on the part of the police. The police on investigation have to file an FAR (First Accident Report), IAR (Interim Accident Report) and DAR (Detailed Accident Report). As per Rule 18 of Annexure XIII, it has been mandatory on the Claims Tribunal to kick start the compensatory mechanism. Rule 21 of the Central rules ensures that the DAR filed by the police shall be treated as a Claim Petition.

20. Taking note of all these developments, the Supreme Court of India rendered a Judgment in **Gohar Mohammed v. Uttar Pradesh State Road Transport Corporation and others** in **S.L.P.(C).No.32448 of 2018**. A reading of this Judgment goes to show that the Police are no more playing a mere role of an



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Investigating Authority and stopping with mere parting of information. They are mandated by the Parliament to file reports with the Claims Tribunal, which should treat the same as a claim petition. The claimants have been freed from the shackles and are no more burdened to search for the documents necessary for filing a claim. The duty to report is now the police and the duty to process the said information given by the police and uploaded on to the website lies on the Tribunal. When access is given to the Tribunal to an FIR and the other details which have been uploaded by the police the claimant need not be made to run around or suffer from a fear that his petition is barred by time. It is the duty of the Claims Tribunal to access the information available to it and process the claim and give succour to the victims. It is not an advisory system as was practiced before 01.04.2022 other parts of India (before 12.09.1979 in Tamil Nadu) but today it is a people oriented justice delivery Tribunal.



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21.It is seen that the police is required to prefer an Accident Information Report and furnish the information with the jurisdictional Motor Accidents Claims Tribunal and other Stakeholders are specified. It is here that the compilation made ready by the Hon'ble Mr.Justice J.R.Midha (Retd) presently Senior Advocate of the Supreme Court of India become relevant.

22.For the ready understanding, I am extracting the new timelines that have come under the Central Motor Vehicles Act, 2022.

*“9. The time lines prescribed by the Central Motor Vehicles Rules, 2022 for expeditious adjudication of motor accident claims are as under:-*

- i. (i) The Police has to file - Within 48 First Accident Report hours of the (FAR) in Form-I before accident



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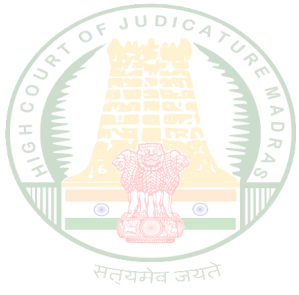


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MACT

- ii. (ii) The Driver of the - Within 30  
offending vehicle has to days of the  
submit the Driver's accident  
Form-III to the Police
- iii. (iii) The Owner of the - Within 30  
offending vehicle has to days of the  
submit the Owner's accident  
Form-IV to the Police
- iv. (iv) The Police, on - Within 50  
verification of the days of the  
Driver's and Owner's accident  
Forms, has to submit  
*Interim Accident Report*  
(IAR) in Form-V before  
MACT

*10.The Central Motor Vehicles Rules, 2022 incorporated the  
flowchart of the Scheme framed by Delhi High Court in **Rajesh  
Tyagi's Case** which is reproduced hereunder:-*



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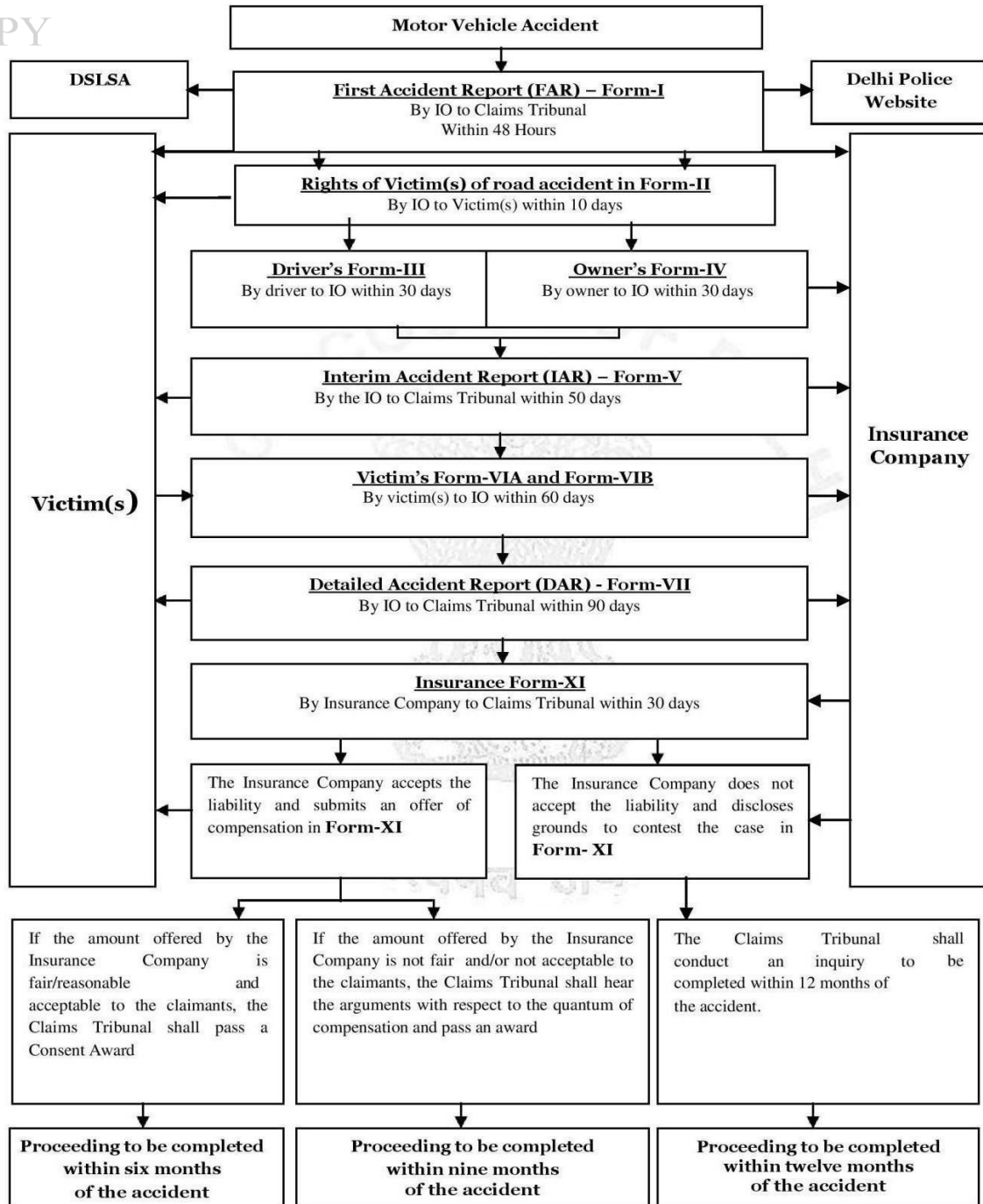


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**FLOW CHART OF SCHEME FOR MOTOR ACCIDENT CLAIMS**

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23. Taking note of this development in **Gohar Mohammed v.**

**Uttar Pradesh State Road Transport Corporation and others in**

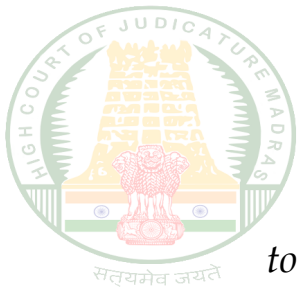
**S.L.P.(C).No.32448 of 2018**, the Supreme Court was pleased to

hold as follows:

*“29. As per the Rules, in the event of a road accident, the investigation must be started immediately on receipt of information by the police officer of the police station concerned. The Investigating Officer shall inspect site of accident, take photographs/videos of scene and vehicle involved, followed by preparation of site plan drawn to scale as to indicate the width of road(s) as the case may be and other relevant factors including the persons and vehicles involved in the accident. In a case of injury, the Investigating Officer shall take photographs of the injured in the hospital and shall conduct spot enquiry examining the eyewitnesses/bystanders. The intimation regarding the accident is required to be furnished by Investigating Officer within 48 hours to the Claims Tribunal in the shape of First Accident Report (FAR) in Form I. It is further required to be sent to the Nodal Officer of the insurance company on having particulars of the insurance policy. The injured/victim(s), legal representative(s), State Legal Services Authority, insurer shall also be provided the copy of Form I and the same must be uploaded on the website of the State Police, if available.*

*30. It would be the duty of the Investigating Officer*

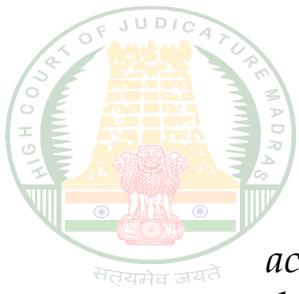




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to inform the injured/victim(s)/legal representative(s) regarding their rights by supplying FormII attaching flow chart within 10 days specifying the scheme to seek remedial measure. It would be the duty of the Investigating Officer to ask the information in FormIII and FormIV from the driver(s) and the owner(s) respectively within 30 days. As per the new regime, on receiving the information, Interim Accident Report (IAR) shall be submitted by the Investigating Officer to the Claims Tribunal within 50 days in Form V along with relevant documents. A copy of the said IAR shall be furnished to the insurance company of the motor vehicle(s) involved in the road accident, victim(s)/claimant(s), State Legal Services Authority, insurer and General Insurance Council. The Investigating Officer or the insurance company shall have right to verify the details of the driver and the owner by using the VAHAN App or shall take the help of Registering Authority. Investigating Officer is duty bound to take the relevant details from the victim(s) or the legal representative(s), as the case may be and furnish the details within 60 days in FormVI. FormVIA is modulated to the minor children, who are in need of care and protection in terms of the Juvenile Justice (Care and Protection of Children) Act, 2015.

31. On failure to submit the relevant information and documents, as required in Forms III, IV and VI by the driver(s), owner(s), claimant(s) or any information by the insurance company, the Investigating Officer may ask for direction to the stakeholder(s) before the Claims Tribunal to furnish such information within 15 days. The registering authority is duty bound to verify the licence of driver, fitness and permit of the vehicle(s) involved in the



accident and shall supply such information within 15 days to the Investigating Officer. Similarly, for the purpose of issuance of medico legal report or the post-mortem report, the hospital is required to furnish such information to the Investigating Officer within 15 days.

**32. The Investigating Officer shall within 90 days compile all relevant documents and material in the form of Detailed Accident Report (DAR) in Form VII accompanying site plan Form VIII, mechanical inspection report Form IX, verification report Form X and the report under Section 173 Code of Criminal Procedure (Cr.P.C.) It would be the duty of the registering authority to verify the registration certificate, driving licence, fitness and permit in respect of the vehicle(s) involved in the accident and the same is required to be submitted within 15 days to the Investigating Officer to complete the IAR and DAR. The extension of time limit to file IAR and DAR is only permissible where the Investigating Officer approaches the Claims Tribunal in cases where parties reside outside the jurisdiction of the Court or where the driver's licence is issued outside the jurisdiction of the Court or where the victim(s) have suffered grievous injuries and are undergoing continuous treatment. Thus, the Investigating Officer shall furnish FAR within 48 hours, IAR within 50 days, complete the investigation within 60 days and file DAR within 90 days.** Copy of DAR shall be furnished to the victim(s), owner(s)/driver(s) of the vehicle(s), the insurance company involved and the State Legal Services Authority including the Nodal Officer of the insurance company and the General Insurance Council.



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33. On perusal of the above, it is clear that to carry out the purpose of the provisions of Sections 159 and 160 of the M.V. Amendment Act, the Officer In-charge of the police station and the registering authority **are required to act upon in a manner as prescribed in the Rules within the period as specified,** thereby on receiving the information of accident, the complete information regarding **such accident is to be made available before the Claims Tribunal within the time limit without delay.** As per Rules, the failure to perform the duties by the police officer may entail severe consequences as envisaged under the provisions of the State Police Act. Thus, legislative intent is clear that on reporting a road accident the Investigation Officer must complete all his action within time frame and shall act as facilitator to the victim(s)/claimant(s), insurance company by furnishing all details in prescribed forms, thereby claimant(s) may get damages/compensation without delay."

24. A perusal of the rules, the Judgment of the Supreme Court and the timeline which has been set forth above would clearly show that, the claim petition need not be commenced only by way of presentation of the petition under Section 166. This is clear from Section 166(4) which states that a report filed by the police to the concerned Authorities including the

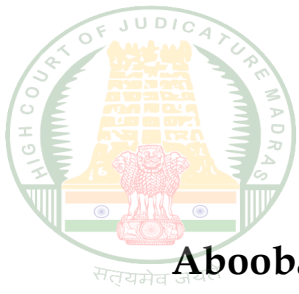


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stakeholders, Insurance Companies and the jurisdictional Motor Accidents Claims Tribunal should be treated as the Claim Petition.

25. During the course of arguments, I asked the learned Amicus Curiae if there being no bar under Section 166(3) excluding the application of Limitation Act, whether Section 29(2) of the Limitation Act can be applied and Section 5 of the Act to be introduced for the purpose of condonation of delay. I asked this question because I could not imagine that under the constitutional governance which has been placed from 26.01.1950, the State which promises Justice - Socio, Economic and political, can be even more harsh than the colonial legislation under Section 110A of the Motor Vehicles Act of 1939.

26. The learned Amicus Curiae drew my attention to the two Judgments of the Kerala High Court in (i) **Vimala Jose v.**



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**Aboobacker and two others in O.P.(MAC) No.136 of 2022 dated**

**02.12.2022 and (ii) Akshay Raj v. Ministry of Law and Justice**

**Legislative Department rep. By the Secretary, IV Floor, A Wing,**

**Shastri Bhavan, New Delhi in O.P.(MAC) No.6 of 2023 dated**

**23.01.2023** and pointed out that Section 5 was made applicable by

the Kerala High Court but their operation has been kept in

abeyance by the Supreme Court of India. Since the issue is

pending before the Supreme Court of India though I *prima facie*

wanted to adopt the view taken by the Kerala High Court in

**Akshay Raj's** case, I am refraining from to do so.

27.The Parliament in its wisdom has ensured that the

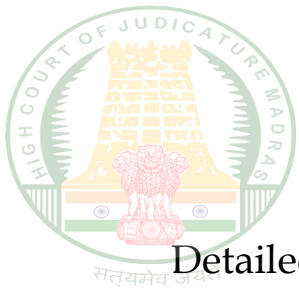
hapless victims of motor accidents need not depend upon

stakeholders in Court for the purpose of initiation of proceedings.

The proceeding itself is initiated on the basis of the report filed by

the Police Authorities. In effect, the petition under Section 166 is

only a reminder to the Court that the police have already filed the



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Detailed Accident Report containing all the requisite details like the First Information Report, Interim Accident Report, First Accident Report and therefore, it has to take up the said report as a claim petition. In other words, the claim petition is only a reminder to the Motor Accidents Claims Tribunal to perform its duty under Rule 21 Annexure XIII of Central Motor Vehicles Rules and to process the claim petition.

28. In view of the above discussion, it is clear that in cases where any request is filed and accessible by the Tribunal, then there will be no question of six months limitation arising. The issue of six months limitation will arise only in case where no FIR has been registered by the Police and no report has been sent/uploaded.

29. The members of the Bar represented that the Police are not sending the report and hence, there arises a problem.



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30.A reading of Section 166(4) shows that *if any report of the accident is forwarded to it under Section 159, the same shall be treated as an application for compensation.* It is no more the discretion of the police. Rule 4(A)(5)(1) of the Tamil Nadu Rules read with the Central rules make it mandatory. It has now become a statutory duty of the Police to sent a report. It is pertinent to point out that the amendment under Section 166(4) does not speak about the Interim Accident Report (IAR), First Accident Report (FAR) and Detailed Accident Report (DAR) but speaks about *“any report that has been sent by the police”*. Therefore, even if an FIR sent by the police to the Tribunal, the same should be treated a Claim Petition.

31.The upshot of the discussion is that on registration of an FIR, a claimant is entitled to present the petition without the fear of it being thrown out, on the ground of limitation. This would





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be the correct reading of the present legal dispensation in all cases

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where FIR is registered within six months, of the date of any motor accident which takes place after 01.04.2022.

32. Consequently, applying the Law discussed above to the facts of the present case, this Civil Revision petition is allowed. The FIR having been registered, in this case, within two days from the date of the accident on 13.10.2022 by Oragadam Police Station, the petition filed in M.A.C.T.O.P.(SR).No.3280 of 2023 has to only be treated as a reminder to the Court to call for the FIR and other reports and register the same as a Claim Petition.

Accordingly, this Civil Revision Petition is allowed. The Order passed by the learned Motor Accidents Claims Tribunal is set aside and a direction shall be issued to treat the application filed on 19.04.2023 as a reminder to the Court for a plea of just compensation under 166(4) and take up the application for trial.





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No Costs.

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18.08.2023

Index : Yes/No  
Speaking Order : Yes/No  
Neutral Citation Case : Yes/No  
mps

To

The Judge,  
Motor Accidents Claims Tribunal,  
Court of Small Causes,  
Chennai.



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**V. LAKSHMINARAYANAN, J.**

mps

**Pre-Delivery Order in**  
**C.R.P.No.2558 of 2023**

**18.08.2023**