
(1996) 11 AP CK 0030

In the Andhra Pradesh High Court

Case No : Appeal Against Order No. 1681 of 1990

Devireddy Amarender Reddy

APPELLANT

Vs

Pale Purushotham Rao and Another

RESPONDENT

Date of Decision : 26-11-1996

Acts Referred:

Motor Vehicles (Amendment) Act, 1994 — Section 53
Motor Vehicles Act, 1939 — Section 110A
Motor Vehicles Act, 1988 — Section 166(3)

Citation : (1997) 1 ALT 760

Hon'ble Judges : B.K. Somasekhara, J

Bench : Single Bench

Advocate : S. Lakshma Reddy, for the Appellant; R. Anandha Mohan Rao, for the Respondent

Judgement

B.K. Somasekhara, J.—The order of the Motor Accidents Claims Tribunal, Nalgonda, dismissing I.A.No. 764 of 1989 in an unregistered O.P. filed u/s 110-A of the Motor Vehicles Act, beyond the period of limitation prescribed in law, viz., after a delay of 249 days, is under challenge. Therein, the Tribunal came to the conclusion that such a delay was not satisfactorily explained by the claimant-appellant and accordingly dismissed the application by its order dated 20-7-1990.

2. The learned Advocate Sri S. Lakshma Reddy appearing for the appellant has pointed out that in view of the settled position in law by the Supreme Court in Dhannalal Vs. D.P. Vijayvargiya and Others, , the order in appeal cannot be sustained. Learned advocate for the respondent Mr. R. Anandha Mohana Rao has left the matter to the Court for decision having due regard to the implication of such a precedent by the Supreme Court.

3. It is true that when the claim petition was filed by the appellant, Section 110-A of the Motor Vehicles Act prescribed the period of limitation of six months from the date of the accident with a provision to condone the delay on offering satisfactory reasons for such delay. Therefore, with the finding that such

inordinate delay was not explained, the Tribunal had to rightly reject such an application. But, as per the settled law in Dhannalal's case supra by the Supreme Court, when Section 166 (3), prescribing the period of limitation for filing cases before the Tribunal, has been deleted by the Motor Vehicles Act 59 of 1988, no period of limitation can be taken as prescribed for any such claim petition u/s 110-A of the Motor Vehicles Act or equivalent provision in the subsequent enactments and such a benefit is available to all the petitions pending, including at the stage of the appeal -both in High Court and the Supreme Court. Therefore, the delay in filing the petition by the appellant-claimant cannot be taken as a ground to dismiss the claim petition. In that view of the matter, the appeal is allowed. The order of the Tribunal is set aside and the matter is remitted back to the Tribunal with a direction to register the petition and dispose it of according to law without due reference to the period of limitation, as has been settled. The matter being old shall be disposed of within a period of six months from the date of communication of a copy of this order. No costs.