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**(1996) 04 PAT CK 0058**  
**In the Patna High Court**  
**Case No : M.A. No. 320 of 1995**

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|-----------------------------|----|------------|
| National Insurance Co. Ltd. | Vs | APPELLANT  |
| Bhola Sah and Another       |    | RESPONDENT |

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**Date of Decision :** 03-04-1996

**Acts Referred:**

Motor Vehicles Act, 1988 — Section 140, 166(3)

**Citation :** (1997) 1 PLJR 920

**Hon'ble Judges :** R.N. Sahay, J

**Bench :** Single Bench

**Advocate :** Ajay Kumar, for the Appellant; Ganapati Trivedi, for the Respondent

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## Judgement

R.N. Sahay, J.—Heard the parties.

2. The Insurance Company has preferred this appeal against the order of the Claims Tribunal granting Rs. 50,000/- as interim compensation in terms of Section 140 of the Motor Vehicles Act.

3. Learned Counsel for the Appellant contends that the claim application is itself barred by limitation since it was filed after more than 2 1/2 years of the accident on 8.8.1992. According to Section 166(3) of the Act before amendment of the Act, the claim case could be preferred within one year of the accident and the court has no power to extend that period. However, after amendment of the Act, no limitation is prescribed. This contention cannot be accepted because after amendment there is no limitation for filing claim.

4. The second question raised by the learned Counsel is that the Tribunal should not have awarded Rs. 50,000/- as interim compensation if the claimant had preferred claim application within the period of limitation prescribed under the Act before amendment and the claimants would have been awarded only Rs. 25,000/- as interim compensation. The claimants filed claim belatedly after amendment of Section 140 of the Act.

5. This contention appears to have force. The tribunal therefore, could not award Rs. 50,000/- as interim compensation in terms of the amended Act. The Appellant has deposited Rs. 25,000/- in this Court which the Respondents are entitled to withdraw. The appeal is partly allowed and the award is modified and reduced to Rs. 25,000/- only which the claimant may withdraw without security. The Claim Tribunal shall, however, dispose of the claim petition within three months from the date of receipt/production of this order.

6. This application is disposed of. No cost.