
(2001) 05 AHC CK 0047
In the Allahabad High Court
Case No : F.A.F.O. No. 739 of 2001

United India Insurance Co. Ltd.

APPELLANT

Vs

Smt. Sarvati Devi and others

RESPONDENT

Date of Decision : 21-05-2001

Acts Referred:

Limitation Act, 1963 — Article 137

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

Citation : (2001) 2 ACC 331 : (2002) ACJ 985 : (2001) 2 AnWR 33 : (2001) 3 AWC 1862

Hon'ble Judges : D.R. Chaudhary, J; Binod Kumar Roy, J

Bench : Division Bench

Advocate : A.C. Nigam, for the Appellant; K.B. Dixit, for the Respondent

Final Decision : Dismissed

Judgement

Binod Kumar Roy and D.R. Chaudhary, JJ.—The Appellant-United India Insurance Company Ltd. assails validity of the judgment dated 16.2.2001 passed by Sri Jagannath. H.J.S. Vth Additional District Judge, Mainpuri/Motor Accident Claims Tribunal, Mainpuri.

2. The sole submission made by Sri A. C. Nigam on the question of admission of this appeal is that the claim petition having been filed after six years from the date of accident, it ought to have been rejected under the residuary Article 137 of the Limitation Act as only three years period was available for its filing.

3. In our view the submission is wholly devoid of substance for more than one reasons :

(a) Earlier under sub-section (3) of Section 166 of the Motor Vehicles Act, six months period was prescribed for filing a claim petition. Under its proviso a Jurisdiction was also vested in the Claims Tribunal to entertain time barred petitions upto 12 months. However, sub-section

(3) was omitted by Section 53 of Act 54 of 1994 with effect from 14th November,

1994. Thus, the net result is that no period stands prescribed by the statute for filing of a claim petition.

(b) Article 137 of the Limitation Act, which prescribes three years rule of limitation, has not been made applicable to an application for compensation filed u/s 166 of the Motor Vehicles Act, 1988.

4. Accordingly the solitary submission is rejected and no other submission having been made to show prime facie that the finding of the Tribunal awarding only Rs. 1,73,400 as compensation on account of rash and negligent act of the driver of the bus in question resulting in death of Roop Singh the bread earner of the family of the claimant is erroneous we dismiss this appeal summarily.