

Rathod Hari Ram Vs. Apsrtc Through Depot Manager, Nirmal and anr.

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Court : Andhra Pradesh

Decided On : Oct-01-1996

Reported in : 1996(4)ALT657

Judge : B.K. Somasekhara, J.

Acts : [Motor Vehicles Act, 1939](#) - Sections 110A

Appeal No. : Appeal Against Order No. 975 of 1990

Appellant : Rathod Hari Ram

Respondent : Apsrtc Through Depot Manager, Nirmal and anr.

Advocate for Def. : K. Harinath, Adv. for the Respondent No. 1

Disposition : Appeal allowed

Judgement :

B.K. Somasekhara, J.

1. The Appellant who is a Police Constable is said to have suffered injuries in a motor vehicle accident which occurred on 13-3-1986 whereas he filed the claim petition Under Section 110-A of the MV Act on 14-12-1988 along with an application I.A. 175/89 before the Motor Accident Claims Tribunal, Adilabad for condonation of delay of 13 months. The reason for such a delay was said to be

due to the appellant - claimant being undergoing treatment for serious injuries in the hospital for over one year. The Tribunal after hearing both the sides did not agree with the claimant about the reason for the delay and therefore dismissed the claim petition as barred by limitation by dismissing the application for condonation of delay.

2. The learned Advocate for the appellant has contended that in a motor vehicle claim case the Tribunal should be liberal in condoning the delay if plausible and possible reasons are afforded. The law in this regard also appears to be settled. In a motor vehicle case sufficient cause pleaded for condonation of delay in filing the claim petition should be liberally construed. (Rama Kishen v. U.P.S.R.T.C., 1994 Supp. (2) SCC 507, National Insurance Company v. Swarnalatha Das, : AIR 1993 SC1259 , Basavaiah v. Ashok Kumar, 1985 (1) Kan.L.J. 256 and Krishna Bai v. Desur, 1981 ACJ 263). Illiteracy, ignorance, desperation, prolonged, illness etc., are good grounds for condoning the delay. The victims of accidents not only suffer physically but also mentally and economically. Possibly the compensation in money value may not be even reimbursed by any forum. However the appellant, a police constable, cannot be said to be totally ignorant of such rights. But when he could not approach the Tribunal for such a long time, it must be presumed that but for compelling reasons he would not have failed to file the claim petition within the period of limitation. That itself lends assurance that he had a plausible explanation for the delay which he tried to do his best to present but the Tribunal by a mechanical process without appreciating such circumstances led itself into a wrong conclusion and the wrong decision. The explanation which was given by the appellant-claimant for the delay in filing the petition being long hospitalisation due to the very injuries suffered in the accident testified by him or sworn to in the affidavit was sufficient to be accepted.

The Appeal is allowed. The Order of the Tribunal is set aside and the matter is remitted back to the Tribunal for registering the petition as a claim petition and to dispose of the same in accordance with law. No costs.