

Sadaram Vs. Akay Kumar

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Court : Madhya Pradesh

Decided On : Oct-18-1995

Reported in : 1(1996)ACC354

Judge : N.P. Singh, J.

Appellant : Sadaram

Respondent : Akay Kumar

Judgement :

N.P. Singh, J.

1. They are heard.

2. This revision is directed against the order dated 5.8.1993 passed by the Second Motor Accident Claims Tribunal, Raipur in Claim Case No. 12/92 dismissing the application under Section 5 of the Limitation Act for condonation of delay in filing the claim case.

3. On 12.5.1991 the applicant met with motor accident and sustained physical injuries. He undergone treatment of his injuries and thereafter on 21.4.1992 he filed a claim case for grant of compensation and also moved an application under Section 5 of the Limitation Act for condonation of delay in filing the claim case after the expiry of the statutory period of six months. On the ground that he was

ignorant of provisions of limitation in filing the claim case.

4. The learned Claims Tribunal dismissed the application for condonation of delay holding that the ignorance of law is not excuse and sufficient cause was not made out for condonation of delay in absence of any medical certificate filed with the limitation petition.

5. Proviso to Sub-section (3) of Section 166 of the M.V. Act, 1988 lays down that the Claims Tribunal may entertain an application after expiry of the period of six months but not later than twelve months, if it is satisfied that applicant

6. From the impugned order it appears that the applicant was admitted in District Hospital, Bilaspur for his treatment for a month thereafter he undergone his treatment at the house of his daughter. The application for condonation of delay was supported by an affidavit. Therefore, there was no justification for the Trial Court to disbelieve the statement of the applicant that no sufficient reason has been shown for condonation of delay in filing the claim case.

7. It is well settled that Motor Vehicles Act is a piece of welfare legislation. The Court is, therefore, required to take a sympathetic and lenient view in accident case for grant of relief to the victim.

8. Admittedly, in the instant case the claim case has been filed within a year as per proviso of Sub-section (3) of Section 166 of the M.V. Act, 1988. The impugned order, therefore, cannot be sustained. Accordingly it is set aside and in the result the revision is allowed. The case is remanded back to the Claims Tribunal to proceed in accordance with law.