

GAHC010060492024



2026:GAU-AS:2441

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : CRP(IO)/111/2024

BAJAJ ALLIANZ GENERAL INSURANCE COMPANY LIMITED
HAVING ITS REGISTERED AND HEAD OFFICE AT GE PLAZA, AIRPORT
ROAD, YERWADA, PUNE- 411006, MAHARASHTRA AND ITS BRANCH
OFFICE AT 2ND FLOOR, SREEJI TOWER, ADJACENT TO MAHINDRA
SHOWROOM, CHRISTIAN BASTI, G.S. ROAD, GUWAHATI-781006,
REPRESENTED BY ITS EXECUTIVE LEGAL OFFICER.

VERSUS

GIRIKANTA MAHANTA AND 5 ORS.
S/O- HEMKANTA MAHANTA, R/O- VILL.- MEKANAR CHUBURI, P.O.
BIHAGURI, P.S. TEZPUR, DIST. SONITPUR, ASSAM, PIN- 784153.

2:KIRU GURIA
S/O- GABREEL GURIA
R/O- VILL.- PURANI GHAGRA
BINDUKURI
P.S. TEZPUR
DIST.- SONITPUR
ASSAM
PIN- 784502.

3:UTTAM TANTI
S/O- KHIROD TANTI
R/O- VILL.- KATHALGURI TEA ESTATE
P.O. BINDUKURI
P.S. TEZPUR
DIST. SONITPUR
ASSAM
PIN- 784502.

4:THE STATE OF ASSAM

REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY
HOME AND POLITICAL DEPARTMENT
GOVERNMENT OF ASSAM
DISPUR
GUWAHATI-781006

5:THE ADDITIONAL CHIEF SECRETARY
TRANSPORT DEPARTMENT
GOVERNMENT OF ASSAM
DISPUR
GUWAHATI-781006

6:THE OFFICER-IN-CHARGE
TEZPUR POLICE STATION

DISTRICT- SONITPUR
ASSAM

Linked Case : CRP(IO)/392/2024

BAJAJ ALLIANZ GENERAL INSURANCE COMPANY LIMITED
HAVING ITS REGISTERED AND HEAD OFFICE AT GE PLAZA
AIRPORT AIRPORT
YERAWADA
PUNE-411006
MAHARASHTRA AND ITS BRANCH OFFICE AT 2ND FLOOR
SREEJI TOWER
ADJACENT TO MAHINDRA SHOWROOM
CHRISTIAN BASTI
G.S. ROAD
GUWAHATI-781006
REPRESENTED BY ITS EXECUTIVE LEGAL OFFICER.

VERSUS

SUSHILA RABHA AND 2 ORS.
W/O- LATE AKSHAY RABHA
R/O- BAPUPARA
THEKASU
PART-II
P.O. AND P.S. DUDHNOI
DIST. GOALPARA.

2:SAKIB ROADWAYS
C/O- SAHIDUL ISLAM

NOTBOMA MIAZAN MAZID PATH
P.O. AND P.S. HATIGAON
DIST. KAMRUP(M)
ASSAM
PIN- 781038. (OWNER OF THE VEHICLE BEARING NO. AS-01-HC-6887).

3:MD. HABIBUR RAHMAN
S/O- MD. HUSSAIN
R/O- WARD NO. 13
DOSTINAGAR
BALADMARI
P.O. AND P.S. GOALPARA
DIST. GOALPARA
ASSAM
PIN- 781301. (DRIVER OF THE VEHICLE BEARING NO. AS-01-HC-6887).

Linked Case : CRP(IO)/257/2024

ICICI LOMBARD GENERAL INSURANCE COMPANY LIMITED
HAVING ITS REGISTERED OFFICE AT SHRI SIDDHI VINAYAK GANAPATI
MANDIR

ICICI LOMBARD HOUSE 414
P. BALU MARG

SVS ROAD
PRABHADEVI
MUMBAI- 400025

ITS ZONAL OFFICE ZONAL OFFICE AT 7TH FLOOR
APEEJAY HOUSE
15
PARK STREET
KOLKATA- 700016 AND ITS BRANCH OFFICE AT 3RD FLOOR
KAMAKHYA TOWER

G.S. ROAD
CHRISTIAN BASTI
GUWAHATI- 781005
REPRESENTED BY THE LEGAL MANAGER.

VERSUS

JAYA NARZARY AND 5 ORS
WIFE OF LATE BILIFANG NARZARY

RESIDENT OF VILLAGE- NEW BALAJAN

POST OFFICE- KARIGAON

POLICE STATION- KOKRAJHAR
BTAD

ASSAM
PIN- 783373.

2:DERSUNG NARZARY
SON OF LATE BILIFANG NARZARY

RESIDENT OF VILLAGE- NEW BALAJAN

POST OFFICE- KARIGAON

POLICE STATION- KOKRAJHAR
BTAD

ASSAM
PIN- 783373.

(RESPONDENT BEING MINOR IS REPRESENTED BY THE RESPONDENT NO.
1).

3:BIRSAR NARZARY
SON OF LATE BILIFANG NARZARY

RESIDENT OF VILLAGE- NEW BALAJAN

POST OFFICE- KARIGAON

POLICE STATION- KOKRAJHAR
BTAD

ASSAM
PIN- 783373.

(RESPONDENT BEING MINOR IS REPRESENTED BY THE RESPONDENT NO.
1).

4:SANJIB NARZARY
SON OF LATE GAJEN NARZARY

RESIDENT OF VILLAGE- ALFAGAON

POST OFFICE- SERFANGURI

POLICE STATION- SERFANGURI

DISTRICT- KOKRAJHAR
BTAD
ASSAM

PIN- 783346..
(OWNER OF THE VEHICLE - AS-16 ER-4495)

5:RANJIT BASUMATARY
SON OF LATE LOKEN BASUMATARY

RESIDENT OF VILLAGE- UTTAR PATGAON

POST OFFICE- SERFANGURI

POLICE STATION- SERFANGURI

DISTRICT- KOKRAJHAR
BTAD
ASSAM

PIN- 783346.
(DRIVER OF THE VEHICLE -AS 16 ER-4495).

6:THE BRANCH MANAGER
RELIANCE GENERAL INSURANCE COMPANY
5TH FLOOR
PRAG PLAZA
BHANGAGARH
G.S. ROAD
GUWAHATI-- 781005.
(INSURER OF THE VEHICLE- AS 16 G- 2369).

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Linked Case : CRP(IO)/386/2023

ICICI LOMBARD GENERAL INSURANCE COMPANY LIMITED
HAVING ITS REGISTERED OFFICE AT SHRI SIDDHI VINAYAK GANAPATI
MANDIR
ICICI LOMBARD HOUSE 414
P. BALU MARG
SVS ROAD
PRABHADEVI
MUMBAI-400025
ITS ZONAL OFFICE AT 7TH FLOOR
APEEJAY HOUSE
15
PARK STREET
KOLKATA-700016 AND ITS BRANCH OFFICE AT 3RD FLOOR

KAMAKHYA TOWER
G.S. ROAD
CHRISTIAN BASTI
GUWAHATI-781005
REPRESENTED BY THE LEGAL MANAGER

VERSUS

SMT. RINA DAS AND 2 ORS
W/O ADHIR DAS
R/O VILL-CHOTO JALENGA BASTI
P.O.-BORO JALENGA
P.S.-DWABOND
DIST-CACHAR
ASSAM
PIN-788117
TEMP. RESIDENT OF HOSPITAL ROAD
P.O.-SILCHAR
P.S.-SILCHAR
DIST-CACHAR
ASSAM
PIN-788005

2:PRADIP KUMAR DAS
S/O HEMENDRA CHANDRA DAS
R/O VILL-AMBIKAPUR PT-IV
P.O.-JAIFARPUR
P.S.-SILCHAR
DIST-CACHAR
ASSAM
PIN-788005

3:SOURAV DAS
S/O PRADIP DAS
R/O VILL-AMBIKAPUR PT-IV
P.O.-JAIFARPUR
P.S.-SILCHAR
DIST-CACHAR
ASSAM
PIN-788005

Linked Case : CRP(IO)/258/2025

ICICI LOMBARD GENERAL INSURANCE COMPANY LIMITED
HAVING ITS REGISTERED OFFICE AT SHRI SIDDHI VINAYAK GANAPATI
MANDIR
ICICI LOMBARD HOUSE

414
P. BALU MARG
SVS ROAD
PRABHADEVI
MUMBAI-400025
ITS ZONAL OFFICE AT 7TH FLOOR
APEEJAY HOUSE
15
PARK STREET
KOLKATA-700016 AND ITS BRANCH OFFICE AT 3RD FLOOR
KAMAKHYA TOWER
G.S. ROAD
CHRISTIAN BASTI
GUWAHATI-781005
REPRESENTED BY THE LEGAL MANAGER

VERSUS

ARIFUL HUSSAIN AND 3 ORS
S/O SAIDUL ISLAM
R/O TUBUKI GRANT
P.S.- KAMPUR
DIST- NAGAON
ASSAM
PIN-782137

2:KHALILUDDIN ANCHARY
S/O ABDUL MANNAF
R/O ROWMARI
P.S.- BATADRAVA
DIST- NAGAON
ASSAM
PIN-782125

3:AMIR HUSSAIN
S/O SAIDUL ISLAM
R/O TUBUKI GRANT
P.S.- KAMPUR
DIST- NAGAON
ASSAM
PIN-782137

4:NEW INDIA ASSURANCE COMPANY LIMITED
REPRESENTED BY ITS BRANCH MANAGER
NAGAON BRANCH
NAGAON
ASSAM

PIN-782001

Linked Case : CRP(IO)/187/2025

SHRIRAM GENERAL INSURANCE COMPANY LIMITED
HAVING ITS CORPORATE AND REGISTERED OFFICE AT E-8
EPIP
RIICO INDUSTRIAL AREA
SITAPURA
JAIPUR
RAJASTHAN
INDIA
PIN-302022 AND ONE OF THE BRANCH OFFICES AT B.R. ARCADE
3RD FLOOR
OPPOSITE TO PRIYA PALACE HOTEL
21
JANAPATH
ULUBARI
GUWAHATI-781007
KAMRUP
ASSAM

VERSUS

MD EKRAMUL HUSSAINAND 2 ORS.
S/O ABDUL HAKIM
P/R/O VILL- UTTAR PUTA KALONG
MAZULI
P.S.- RUPAHIHAT
DIST- NAGAON
ASSAM
PIN-781318

2:DIBYA MORAN
S/O MODESWAR MORAN
R/O VILL- BETONI
P.S.- DIGBOI
P.O.- MAMORONI (MAKUM)
DIST- TINSUKIA
ASSAM
PIN-786170

3:DIPEN TANTI
S/O SAMARU TANTI
R/O VILL- PANKIAL GAON
P.S.- GOLAGHAT

DIST- GOLAGHAT
PIN-785702

Linked Case : CRP/141/2023

BILLAL HUSSAIN @ BILLAL HASSAN
S/O ABDUL GOFUR
R/O VILL- NEAR GARAM
DABONDIA
P.O.-GUNIALGURI
P.S.-KALGACHIA
DIST- BARPETA
ASSAM
PIN-

VERSUS

WAZED ALI AND ANR
S/O ATOWAR RAHMAN
R/O VILL-BANGHUGI
P.O.-BANGHUGI
P.S.-KALGACHIA
DIST-BARPETA
ASSAM
PIN-781319

2:ICICI LOMBARD GENERAL INSURANCE CO. LTD.
REPRESENTED BY ITS LEGAL MANAGER
ADDRESS- 3RD FLOOR
KAMAKHYA TOWER
ROAD
GUWAHATI
ASSAM
PIN-781005

Linked Case : CRP(IO)/121/2025

SHRIRAM GENERAL INSURANCE COMPANY LIMITED
HAVING ITS CORPORATE OFFICE AT E-8
EPIP
RIICO INDUSTRIAL AREA
SITAPURA
JAIPUR
RAJASTHAN
INDIA PIN- 302022 AND ONE OF THE BRANCH OFFICES AT B.R. ARCADE
3RD FLOOR
OPPOSITE TO PRIYA PALACE HOTEL

21
JANAPATH
ULUBARI
GUWAHATI- 781007
KAMRUP.

VERSUS

HANUFA KHATUN AND 3 ORS
W/O- ABDUL HEKIM

R/O- DAKHIN KHATOWAL
P.O- TARABARI
P.S- RUPAHIHAT
DIST-NAGAON
ASSAM
PIN-782125

2:IMDADUL HOQUE
S/O- SAHIDULLAH

R/O- KADAMANIPATHAR
P.S- JURIA
DIST-NAGAON
ASSAM
PIN-782124

3:MD MAIZUL HOQUE
S/O- MD. ALI HUSSAIN

R/O- LALUNGAON
P.O- KASHORI

P.S- JURIA
DIST-NAGAON
ASSAM
PIN-782124

4:THE GOVERNMENT OF ASSAM
REPRESENTED BY THE CHIEF SECRETARY
DISPUR
GUWAHATI
ASSAM

Linked Case : CRP/140/2023

MOSTAFIZUR RAHMAN @ MUSTAFIZUR RAHMAN AND ANR
S/O AZAHAR ALI
R/O VILL-MOINBARI
P.O.-NIZ MOINBARI
P.S.-KALGACHIA
DIST-BARPETA
ASSAM (BEING MINOR REPRESENTED BY HIS FATHER
PETITIONER NO. 2)

2: AZAHAR ALI
S/O MAYNAL HAQUE
R/O VILL-MOINBARI
P.O.-NIZ MOINBARI
P.S.-KALGACHIA
DIST-BARPETA
ASSAM
VERSUS

WAZED ALI AND ANR
S/O ATOWAR RAHMAN
R/O VILL-BANGHUGI
P.O.-BANGHUGI
P.S.-KALGACHIA
DIST-BARPETA
ASSAM
PIN-781319

2:ICICI LOMBARD GENERAL INSURANCE CO. LTD.
REPRESENTED BY ITS LEGAL MANAGER
ADDRESS- 3RD FLOOR
KAMAKHYA TOWER
ROAD
GUWAHATI
ASSAM
PIN-781005

Linked Case : CRP/44/2025

SUBARNALATA DAS
W/O LATE ANJAN KUMAR DAS
RESIDENCE OF M.C ROAD
UZAN BAZAR
PANBAZAR
DISTRICT- KAMRUP (M)
ASSAM

PHONE NO- 8638739454

VERSUS

MAHESWARI INDUSTRIES AND 2 ORS

CARE OF MAHESH KUMAR

P

S. JALUKBARI

DIST- KAMRUP (M)

ASSAM (OWNER OF THE OFFENDING VEHICLE NO. AS 01 MC 7520)

2:AMRIT KOCH

MANIK KOCH

VILL- BOKO

DIST- KAMRUP (R)

ASSAM (DRIVER OF THE OFFENDING VEHICLE NO. AS-01 MC-7520)

3:UNITED INDIA INSURANCE CO. LIMITED

GODREJ BUILDING

ULUBARI

GUWAHATI

DIST- KAMRUP (M)

ASSAM

Linked Case : CRP(IO)/339/2025

ICICI LOMBARD GENERAL INSURANCE COMPANY LIMITED

HAVING ITS REGISTERED OFFICE AT SHRI SIDDHI VINAYAK GANAPATI

MANDIR

ICICI LOMBARD HOUSE 414

P. BALU MARG

SVS ROAD

PRABHADEVI

MUMBAI-400025

ITS ZONAL OFFICE AT 7TH FLOOR

APEEJAY HOUSE

15

PARK STREET

KOLKATA-700016 AND ITS BRANCH OFFICE AT 3RD FLOOR

KAMAKHYA TOWER

G.S. ROAD

CHRISTIAN BASTI

GUWAHATI-781005

REPRESENTED BY THE LEGAL MANAGER

VERSUS

SMT. PRANITA BISWAS AND 2 ORS
W/O SRI UDAY BISWAS
R/O VILL- OUJARI
P.O.- BAGHARA
P.S.- MORIGAON
DIST- MORIGAON
ASSAM
PIN- 782105

2:CHANDRA BORDOLOI
S/O SRI DHIRSINGH BORDOLOI
R/O VILL- OUJARI
P.O.- BAGHARA
P.S.- MORIGAON
DIST- MORIGAON
ASSAM
PIN- 782105

3:UDAY BISWAS
S/O LATE JATIN BISWAS
R/O VILL- OUJARI
P.O.- BAGHARA
P.S.- MORIGAON
DIST- MORIGAON
ASSAM
PIN- 782105

Linked Case : CRP(IO)/134/2025

SHRIRAM GENERAL INSURANCE COMPANY LIMITED
HAVING ITS CORPORATE AND REGISTERED OFFICE AT E-8
EPIP
RIICO INDUSTRIAL AREA
SITAPURA
JAIPUR
RAJASTHAN
INDIA
PIN-302022 AND ONE OF THE BRANCH OFFICES AT B.R. ARCADE
3RD FLOOR
OPPOSITE TO PRIYA PALACE HOTEL
21
JANAPATH
ULUBARI
GUWAHATI-781007
KAMRUP

ASSAM

VERSUS

RUPAMONI BANIA BORA AND 2 ORS.
W/O DHIREN BORA
PERMANENT RESIDENT OF VILL- NALKATA BOWALGURI
P.S.- NORTH LAKHIMPUR
DIST- LAKHIMPUR
ASSAM AND PRESENT RESIDENT OF C/O MANTU DAS
VILLAGE- BARMURIKONA KARDOITALA
P.S. NALBARI
DISTRICT- NALBARI
ASSAM
PIN-781335

2:MD SADDAM HUSSAIN
SON OF LATE ZABBAR ALI
RESIDENT OF VILLAGE- CHINATOLIA
P.S.- NORTH LAKHIMPUR
DISTRICT- LAKHIMPUR
ASSAM
PIN-787001

3:MD BULBUL HUSSAIN
SON OF JABBAR ALI
RESIDENT OF VILLAGE CHUKULI BHARIA
P.S.- NORTH LAKHIMPUR
DISTRICT- LAKHIMPUR
ASSAM
PIN-787001

Linked Case : CRP/106/2024

MINESWAR GOGOI
S/O- LATE ADHIRAM GOGOI
R/O- NO. 3 MAHIMALIA
P.O. HABICHUKIA
P.S. GHILADHARI
DIST. GOLAGHAT
ASSAM
PIN- 785603.

VERSUS

UTTAM GOGOI AND 2 ORS.

S/O- SRI BHUGESWAR GOGOI
R/O- CHUTIAGAON
BOKOLAI
P.O. KAMARBANDHA ALI
P.S. AND DIST. GOLAGHAT
ASSAM
PIN- 785625.

2:TRIDIP MEDHI
S/O- NIRMAL CHANDRA MEDHI
C/O- J. DEKA
HOUSE NO. 7
RUPNAGAR
SARBANANDA PATH
NEAR SRIDHAN
VIMDABAN ASHRWAM
GUWAHATI
DIST.KAMRUP
ASSAM
PIN- 781032.

3:SBI GENERAL INSURANCE COMPANY LIMITED
JORHAT BRANCH
SECOND FLOOR
CITY PLAZA
OPPOSITE OF ELEYE CINEMA HALL
GAR ALI
P.O. AND DIST. JORHAT
ASSAM
PIN- 785001. REPRESENTED BY ITS BRANCH MANAGER.

Linked Case : CRP/32/2025

BIJIT GONDHIA @ BIJIT GANDHIA AND ANR
S/O- THOLOK GANDHIA
R/O- BONGAL GAON
P.O- DERGAON
P.S- DERGAON
DIST- GOLAGHAT
ASSAM
PIN- 785614

2: MRIDU SPONDON GONDHIA
S/O SRI BIJIT GONDHIA
R/O- BONGAL GAON
P.O- DERGAON
P.S- DERGAON
DIST- GOLAGHAT

ASSAM
PIN- 785614 (BEING MINOR
REPRESENTED BY PETITIONER NO. 1)
VERSUS

NRIPEN SAIKIA AND ANR
S/O- LATE UMESWAR SAIKIA
R/O- HATIAKHOWA
P.O- HATIAKHOWA
P.S- DERGAON
DIST- GOLAGHAT
ASSAM
PIN- 785626

2:NATIONAL INSURANCE COMPANY LIMITED
GOLAGHAT BRANCH
HEMCHANDRA GOSWAMI PATH
P.O.- GOLAGHAT
DIST- GOLAGHAT
ASSAM
PIN-785621
REPRESENTED BY ITS BRANCH MANAGER

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Linked Case : CRP(IO)/332/2025

ICICI LOMBARD GENERAL INSURANCE COMPANY LTD
HAVING ITS REGISTERED OFFICE AT SHRI SIDDHI VINAYAK GANAPATI
MANDIR
ICICI LOMBARD HOUSE 414
P. BALU MARG
SVS ROAD
PRABHADEVI
MUMBAI-400025
ITS ZONAL OFFICE AT 7TH FLOOR
APEEJAY HOUSE
15
PARK STREET
KOLKATA-700016 AND ITS BRANCH OFFICE AT 3RD FLOOR
KAMAKHYA TOWER
G.S. ROAD
CHRISTIAN BASTI
GUWHATI-781005
REPRESENTED BY THE LEGAL MANAGER

VERSUS

MUJAMMIL HOQUE AND ANR

S/O CHAN MIYA
R/O JURIPAR
P.S.- KACHUA
DIST- NAGAON
ASSAM
PIN-782426

2:CHESONG BEY
S/O KAMSING BEY
R/O ANJOKPANI
P.S.- ANJOKPANI
DIST- KARBI ANGLONG
ASSAM
PIN-782139

BEFORE

HONOURABLE MR. JUSTICE DEVASHIS BARUAH

For the petitioner (s) : Mr. T. Kalita, Advocate
Mr. M. Dutta, Advocate
Mr. A. J. Saikia, Advocate
Mr. M. Saikia, Advocate
Mr. A. H. Sarkar, Advocate

For the respondent (s) : Mr. D. Nath, Sr. Govt. Advocate
Mr. R. Goswami, Advocate
Mr. P. J. Barman, Advocate
Mr. P. K. Das, Advocate
Ms. A. Roy, Advocate
Mr. A. Roy, Advocate
Mr. R. Borpujari, Advocate

Date on which judgment is reserved : 09.12.2025

Date of pronouncement of judgment : 18.02.2026

Whether the pronouncement is of the
Operative part of the judgment? : NA

Whether the full judgment has been
Pronounced? : Yes

JUDGMENT AND ORDER (CAV)

Heard the learned counsels appearing on behalf of the petitioners as well as the learned counsels for the respondents in the present batch of applications. This Court has also heard Mr. D. Nath, the learned Senior Government Advocate who represents the Transport Department and the Home Department, of the Government of Assam and Mr. R. Borpujari, the learned counsel who was requested to assist this Court.

PREFACE

2. The present batch of Applications filed under Article 227 of the Constitution challenge the various orders passed by the learned Motor Accident Claims Tribunals (for short, 'the learned Tribunals') constituted under Section 165 of the Motor Vehicles Act, 1988 (for short, 'the Act of 1988').

3. The Applicants herein who are the claimants in the claim proceedings are aggrieved by the orders rejecting their claim applications on the ground that Section 166 (3) of the Act of 1988 does not permit entertaining a claim application beyond a period of six months from the date of occurrence of accident whereas the Applicants who are Insurance Companies are aggrieved by the orders passed by the learned Tribunals whereby the claims proceedings instituted beyond a period of six months

from the date of occurrence of the accident have been entertained by condoning the delay.

4. This Court taking into account the Motor Vehicles (Amendment) Act, 2019 (for short, 'the Amending Act'); the Rules framed therein under by the Central Government and the directions passed by the Supreme Court in the case of ***Gohar Mohammed vs. Uttar Pradesh State Road Transport Corporation and Others***, reported in ***(2023) 4 SCC 381*** impleaded the Home Department as well as the Transport Department of the Government of Assam in one of the applications, i.e. CRP(IO) No.111/2024.

ISSUE

5. The question which arise in the present proceedings are as to whether a claim application filed beyond a period of six months from the date of occurrence of the accident can be entertained and if not what are the learned Tribunals required to do keeping in mind that the provisions of Chapters XI and XII of the Act of 1988 are provided to grant compensation to the beneficiary or the victim if on account of a motor vehicle accident it results in death or bodily injury?

6. For deciding the issue as formulated above, i.e. whether the learned Motor Accidents Claims Tribunal would have the power to

accept a claim petition filed beyond the period stipulated in Section 166(3) of the Act of 1988, and if not, what steps are required to be taken by the learned Motor Accidents Claims Tribunal, this Court at the outset find it relevant to take note of the changes brought into effect by the Amending Act, Central Motor Vehicle Rules, 1989 framed by the Central Government and the Assam Motor Vehicle Rules, 2013 framed by the State of Assam.

ANALYSIS OF THE RELEVANT PROVISIONS

7. The Amending Act came into effect on 01.04.2022. The Amending Act completely changed the procedure to make claims under the Act of 1988. The Central Government also carried out various amendments to the Central Motor Vehicles Rules, 1989 (for short, 'the Rules of 1989').

8. Chapter XI of the Act of 1988 was completely substituted by the Amending Act. The heading of Chapter XI reads as "Insurance of Motor Vehicles against Third Party Risks."

9. Section 146 of the Act of 1988 imposes a mandatory requirement that every motor vehicle has to be insured with a certificate of Insurance. Sub-Section (2) of the Section 146 of the Act of 1988 exempts the Motor Vehicles owned by the Central Government or State Government.

10. Section 149 of the Act of 1988 casts an obligation upon the Insurance Company to take certain steps upon receiving information of the Accident. The information received could be from either of the following sources:

- (i) Information given by the claimants; or
- (ii) Information through Accident Information Report; or
- (iii) Otherwise-meaning thereby information from any other source.

11. In terms with the said Section, it is obligatory for the Insurance Companies to have an officer designated for processing the settlement claims and to make an offer to the claimant for settlement before the Claims Tribunal within 30 days after following the prescribed procedure by the Central Government. Sub-section (3) of Section 149 of the Act of 1988 further mandates what the Claims Tribunal is required to do when the Insurance Company makes an offer in terms with Section (2) of Section 149. Section 149(3) of the Act of 1988 is reproduced herein below:-

“ (3) If, the claimant to whom the offer is made under sub-section (2),—

(a) accepts such offer,—

(i) the Claims Tribunal shall make a record of such settlement,

and such claim shall be deemed to be settled by consent; and
(ii) the payment shall be made by the insurance company
within a maximum period of thirty days from the date of
receipt of such record of settlement;
(b) rejects such offer, a date of hearing shall be fixed by the
Claims Tribunal to adjudicate such claim on merits.”

From the very reading of Section 149(3) of the Act of 1988, it would appear that at the instance of the Insurance Company, a claim for compensation can be settled or initiated if the offer given by the Insurance Company is rejected by the claimant. This is one of the modes permissible for initiation of a proceedings before the Claims Tribunals.

12. This Court would now deal with the other provisions of Chapter XI of the Act of 1988 which correlates with Section 149 of the Act of 1988.

13. Section 152 of the Act of 1988 stipulates that the person against whom a claim is made, is obligated under the law, on demand, to disclose whether he/she was insured in respect to that liability by any policy issued under the provisions of Chapter XI or would have been so insured, if the insurer had not avoided or canceled the policy. It is the statutory mandate that the person against whom the claim is made, cannot refuse to give such particulars with respect to the Insurance Policy as specified

in the Certificate of Insurance issued in respect thereof. Therefore by this process of disclosure, the Investigating Officer or the claimant can intimate the Insurance Company about the Accident and then the Insurance Company is statutorily obligated to do the needful in terms with Section 149 of the Act of 1988.

14. Section 159 of the Act of 1988 casts a duty upon the Police Officer to prepare an Accident Information Report to facilitate the settlement of the claim in such form and manner, within three months and containing such particulars and submit the same to the Claims Tribunal and such other agency as may be prescribed. This Accident Information Report is one of the modes permissible for initiating a proceeding before the Claims Tribunal as would appear from a reading of Section 166(4) of the Act of 1988 which this Court would discuss later. Apart from that, the Accident Information Report is one of the modes by which information can be received by the Insurance Company for settlement in terms with Section 149 of the Act of 1988. Section 159 being relevant is reproduced herein under:

“159. Information to be given regarding accident. - The police officer shall, during the investigation, prepare an accident information report to facilitate the settlement of claim in such form and manner, within three months and containing such particulars and submit the same to the Claims Tribunal and such other agency as may be

prescribed.”

15. Section 160 of the Act of 1988 further imposes an obligation upon the Registering Authority or the Officer-in-Charge of a police station upon being required by a person who alleges that he/she is entitled to claim compensation in respect of an accident arising out of the use of the motor vehicle or by an insurer against whom a claim has been made in respect to any motor vehicle to furnish to that person or to that insurer as the case may be, on payment of a prescribed fee, any information at the disposal of the said authority or the said police officer relating to the identification marks and other particulars of the vehicle and the name and address of the person who was using the vehicle at the time of the accident or was insured by it, and the property if any damaged in such form, within such time as the Central Government may prescribe. This provision also aids the claimant, Investigating Officer as well as the Insurance Company so that resolution of the claim proceedings can be made at the earliest by taking action in terms with Section 149 as well as Section 159 of the Act of 1988. The said provisions also confer a right upon the claimant to obtain information not only for intimating the Insurer under Section 149 of the Act of 1988, but also provide information for filing a claim application under Section 166(1) of the Act of 1988.

16. Section 161 of the Act of 1988 stipulates the special provisions as regards compensation in case of hit and run motor accidents. A cursory look at Section 161 of the Act of 1988 would show that the concept of a hit and run motor accident indicates that the compensation to be paid is in respect to cases where the vehicle which had caused the accident cannot be identified with. Consequently, the owner, driver as well as the Insurer of the offending vehicle are also not identifiable. The Act of 1988 therefore provides the necessity of a Scheme to be made by the Central Government in terms with Section 161 (3) of the Act of 1988.

17. Section 164 of the Act of 1988 stipulates payment of compensation in case of death or grievous hurt, etc. The said Section being relevant is reproduced herein under:-

“164. Payment of compensation in case of death or grievous hurt, etc.

- (1) Notwithstanding anything contained in this Act or in any other law for the time being in force or instrument having the force of law, the owner of the motor vehicle or the authorised insurer shall be liable to pay in the case of death or grievous hurt due to any accident arising out of the use of motor vehicle, a compensation, of a sum of five lakh rupees in case of death or of two and a half lakh rupees in case of grievous hurt to the legal heirs or the victim, as the case may be.

(2) In any claim for compensation under sub-section (1), the

claimant shall not be required to plead or establish that the death or grievous hurt in respect of which the claim has been made was due to any wrongful act or neglect or default of the owner of the vehicle or of the vehicle concerned or of any other person.

(3) Where, in respect of death or grievous hurt due to an accident arising out of the use of motor vehicle, compensation has been paid under any other law for the time being in force, such amount of compensation shall be reduced from the amount of compensation payable under this section."

18. Sub-section (1) of Section 164 starts with a non-obstinate Clause, meaning thereby that notwithstanding anything contained in the Act of 1988 or in any other law for the time being in force or instrument having the force of law, the owner of the motor vehicle or the authorized insurer shall be liable to pay in the case of death or grievous hurt due to an accident arising out of the use of the motor vehicle, a compensation of a sum of Rs.5,00,000/- (Rupees five lakhs only) in the case of death or Rs.2,50,000/- (Rupees two lakhs fifty thousand only) in the case of grievous hurt to the legal heirs or the victim, as the case may be.

19. It is of importance to note that in contradistinction to Section 161 of the Act of 1988, a very reading of Sub-section (1) of Section 164 of the Act of 1988 shows that the owner of the

motor vehicle or the authorized insurer is identifiable, unlike in the case falling within the ambit of Section 161.

In terms of Sub-section (2) of Section 164, the claimant is not required to plead or establish that the death or grievous hurt in respect of which the claim has been made was due to any wrongful act or neglect or default of the owner of the vehicle or of the vehicle concerned or of any other person.

Sub-section (3) of Section 164 further stipulates that where in respect of death or grievous hurt due to an accident arising out of the use of a motor vehicle, an amount of compensation has been paid under any other law for the time being in force, such amount of compensation shall be reduced from the amount of compensation payable under Section 164.

In other words, a conjoint reading of all the three Sub-sections of Section 164 of the Act of 1988 would show that when the owner of the motor vehicle or the authorized insurer is identifiable, the claimant in the case of death or the victim who suffers grievous injury as the case may be, would be entitled to Rs.5,00,000/- in the case of death and Rs.2,50,000/- in the case of grievous hurt respectively without providing any wrongful act or neglect or default of the owner of the vehicle or the vehicle concerned or any other person. It is also very pertinent to take

note of that Section 164 of the Act of 1988 on its own does not mention where the claim application is required to be filed. It appears that from a reading of the Explanation to Section 165 of the Act of 1988, that the application is required to be filed in the Claims Tribunal.

20. This Court at this stage also finds it appropriate to observe that a reading of Section 161 and Section 164 of the Act of 1988 makes it clear that the compensation payable is only in cases of death or grievous hurt but not in case of any bodily injury or damage to property. This aspect would be relevant when this Court analyses Section 165 and Section 166 of the Act of 1988 in the later segments of the present judgment.

21. Section 164(C) of the Act of 1988 empowers the Central Government to make Rules. In view of the Amending Act, it is also relevant to take note of that the Rules of 1989 were amended whereby Rule 150A was inserted. Rule 150A being relevant is reproduced herein under:-

*“**150A. Procedure for investigation of road accident.**- The procedure to be followed for investigation of all accidents arising out of the use of motor vehicles shall be in accordance with Annexure-XIII and in the manner of submission and form, including electronic submission on such Portal as may be specified.”*

22. Before analyzing Rule 150A of the Rules of 1989, it is also

important to note that Section 164D of the Act of 1988 empowers the State Government to make Rules in respect to the area not reserved to Central Government under Section 164C of the Act of 1988. The State of Assam had also framed a set of Rules namely the Assam Motor Vehicle Rules, 2003 (for short, 'the Assam Rules of 2003') which this Court would clear at a later stage while dealing with the Section 176 of the Act of 1988. It is important to take note of Chapter IX of the Assam Rules of 2003 with the heading, 'Motor Accident Claims Tribunal'.

23. Before proceeding to Chapter XII of the Act of 1988, let this Court deal with Rule 150A read with Annexure XIII of the Rules of 1989.

24. Rule 150A of the Act of 1988 stipulates that the procedure delineated at Annexure-XIII are required to be followed for investigation of all accidents arising out of the use of motor vehicles and the manner of submission of forms including electronic submission on such portal as may be specified.

25. Now let this Court deal with some of the salient provisions of Annexure-XIII to the Rules of 1989. The procedure detailed out at Annexure XIII relates to the procedure for investigation of Motor Vehicle Accident. Apart from the procedure stipulated therein, various Forms have also been prescribed.

Clause 1 of Annexure-XIII stipulates that in the event of a road accident, the investigation must be started immediately on receipt of information by the Police Officer of the police station concerned. The Investigating Officer shall inspect the site of the accident, take photographs/videos of the scene and the vehicle involved, followed by preparation of the site plan drawn to scale as to indicate the width of the road(s) as the case may be and other relevant factors including the persons and the vehicles involved in the accident. In a case where the victim is injured, the Investigating Officer is required to take photographs of the injured in the hospital and shall conduct spot enquiry, examining the eyewitnesses/bystanders. The intimation regarding the accident is required to be furnished by the Investigating Officer within 48 hours to the Claims Tribunal known as First Information Accident Report (FAR) in Form I. A perusal of Form I provides the various details which are to be furnished by the Investigating Officer. The effect of submission of the FAR before the Claims Tribunal by the Investigating Officer would lead to registration of a case before the Claims Tribunal as would appear from Clause 18 of Annexure-XIII which this Court would deal in detail later.

26. Clause 2 of Annexure-XIII stipulates that the FAR in Form I is required to be sent to the Nodal Officer of the Insurance Company after obtaining the particulars of insurance policy.

Additionally, the victim(s), legal representative(s), State Legal Services Authority shall also be provided with the copy of the Form I and the same must be uploaded in the website of the State Police, if available. The above aspect now if correlated with Section 149 of the Act of 1988 as discussed above would show that on the basis of the FAR, the Insurance Company can initiate steps through its nodal officer for submission of an offer to claimants through the Claims Tribunal and if the offer is accepted by the claimant, a consent award would be passed and if not, a proceedings would be initiated by the Claims Tribunal for adjudicating on the quantum of compensation as well as entitlement of the compensation.

27. Clause 3 of Annexure-XIII stipulates that the Investigating Officer shall furnish the rights of the victim of the road accident and flow chart of the Scheme mentioned in Form II, to the victims or their legal representatives within 10 days of the Accident. The Investigating Officer shall also file a copy of the Form II along with the Detailed Accident Report (DAR). A perusal of Form II would show that it explains the various rights which are available to the victim. It is of importance to note the time period prescribed is 10 days from the date of occurrence of the accident. This Form along with the FAR would enable the legal representative or the victim to intimate the Insurance Company

in terms with Section 149 of the Act of 1988, if the Insurance Company in the meantime has not submitted the offer to the claimant. The chart which is to accompany the Form II also provides the timelines and the details as to how the claim settlement/resolution would take place.

It is of importance to note that a perusal of Form II as well as flow chart which is attached to the Form II does not provide information that the Claimant has a right to file Claim Application under Section 166 of the Act of 1988 and that such application is required to be filed within 6(six) months from the date of occurrence of the Accident. It is the opinion of this Court that the said aspect ought to have been included in Form II. The Central Government may consider to do the needful.

At this stage, it is also relevant to note that the Gauhati High Court also on its website provides a MACT Information Portal which not only provides a tutorial in both Assamese and English, but also provides in both Assamese and English, all information including a claim calculator which roughly gives what compensation a victim/legal representative would be entitled. It is also of relevance that the MACT Portal is widely circulated by the State Legal Services Authority as well as the District Legal Services Authorities.

28. Clause 4 and Clause 5 relates Forms to be submitted by the driver and the owner respectively to the Investigating Officer. In terms with Clause 6, the Investigating Officer is required to submit the Interim Accident Report (IAR) to the Claims Tribunal within 50 days of the Accident. The IAR shall be accompanied with the documents mentioned therein and the copy of the IAR along with the documents shall be furnished to the Insurance Company of the vehicle involved in the accident, the victim/claimant, State Legal Services Authority, the insurer and the General Insurance Counsel. Therefore, on the 50th day of the accident in view of the obligation cast upon the Investigating Officer, information is again provided to the victims/legal representative about what steps are being taken by the Investigating Officer.

29. Clauses 7 to 10 of Annexure-XIII stipulates that various verifications are to be carried out by the Investigating Officer as well as the Insurance Company of the vehicle(s) involved in the accident, which would include the verification of the information provided in Form III and Form IV by the driver and the owner respectively, in terms with the information available on Vahan or by obtaining confirmation in writing from the Registering Authority/person purported to have issued the same or such further investigation or verification as deemed necessary. This

verification report shall be filed by the Investigating Officer in Form X before the Claims Tribunal along with the Detailed Accident Report (DAR).

30. Clause 12 of Annexure-XIII mandates the requirement of submission of the DAR within 90 days of the accident. Apart from that what documents are to be filed along with the DAR is also stipulated. Clause 12 of Annexure-XIII being relevant is reproduced herein below:-

“12. DAR to be submitted by the Investigating Officer before the Claims Tribunal.— The Investigating Officer shall complete the verification of the information and documents further in this Annexure, and submit the DAR in Form VII to the Claims Tribunal, within ninety (90) days from the date of the accident. The DAR shall be accompanied with the following documents:—

(a) Site Plan as per Form VIII;

(b) Mechanical Inspection Report as per Form IX;

(c) Verification Report as per Form X;

(d) Report under section 173 of the Code of Criminal Procedure, 1973 (2 of 1974).”

31. Clause 13 of the Annexure XIII obligates the Investigating Officer to furnish a copy of the DAR to the victim(s) of the accident, owner/driver as well as to the Nodal officer of the Insurance Company, General Insurance Council and the State

Legal Services Authority. It is relevant to note that by the 90th day from the date of occurrence of the accident, the victim/legal representative is further informed about all details of the accident and the investigation carried out.

32. Clause 17 of Annexure XIII is of vital importance whereby the Claims Tribunal is empowered to extend the period of filing the IAR and/or DAR in view of the reasons stipulated in the said Clause. The said Clause 17 also empowers the Claims Tribunal to oversee whether the Investigating Officer is performing the statutory obligations as mandated. The Claims Tribunal is also empowered to issue directions if within the time stipulations such actions are not completed. Clause 17 being relevant, the same is quoted herein below:-

“17. Extension of time to file IAR and DAR.— Where the Investigating Officer is unable to file the IAR within fifty (50) days and/or the DAR within ninety (90) days for reasons beyond his control, such as in cases of hit and run accidents; cases where the parties reside outside the jurisdiction of the Court; where the driving licence is issued outside the jurisdiction of the Court, or where the victim(s) has suffered grievous injuries and is undergoing continuous treatment, the Investigating Officer shall approach the Claims Tribunal for extension of time to file IAR or DAR, whereupon the Claims Tribunal shall extend the time as it considers appropriate in the facts and circumstances of the case.”

33. Now let this Court conjointly analyze Clauses 18 and 21 of Annexure-XIII. Clause 18 of Annexure XIII is of utmost importance as it relates to registration of a case without any application filed by the claimant. The Clause imposes a responsibility upon the Claims Tribunal to examine whether the FAR, IAR and the DAR are complete in all respects. If the DAR is complete in all respects, the Claims Tribunal shall fix a date for the appearance of the driver, owner, claimants, and eye witnesses. The Investigating Officer shall be directed by the Claims Tribunal to produce the said persons on the date so fixed by the Claims Tribunal. Now in the context of Clause 18, if this Court takes note of Clause 21, it would show that the Claims Tribunal shall treat the DAR as a claim petition for compensation under Section 166(4) of the Act of 1988. Be that as it may, the Claims Tribunal shall register the DAR as a claim petition only after the appearance of the claimant. This aspect is important as would be seen at the later stage of the present analysis. Clause 21 further stipulates that if the claimants have filed a separate claim petition, the DAR may be tagged along with the claim petition. In this respect, this Court also finds it pertinent to take note of a notification dated 11.06.2024 bearing No.42 issued by the Registrar General of the Gauhati High Court dated 11.06.2024 wherein the procedure to be followed by the Claims

Tribunals within the jurisdiction of the Gauhati High Court are notified. The Notification sets down the procedure when the FIR/FAR/IAR/DAR is filed in another district and the claim application is filed in another district. The said Notification also sets forth what procedure is required to be followed when the FIR/FAR/IAR/DAR is filed in any district of any State within the jurisdiction of the Gauhati High Court and the Claim Application is filed in any other district of a different State within the jurisdiction of the Gauhati High Court. The contents of the said Notification is reproduced herein below for convenience:-

NOTIFICATION NO. 42

Dated Guwahati, the 11th of June, 2024

*In continuation to Notification No. 05 dated 30-01-2023, it is hereby notified that in MAC cases: Court and consequently the FIR/FAR/IAR/DAR is filed in **District 'A'** and the claimants file a claim application under Sections 164/166 of the M.V. Act in **District 'B'** in the same State, then the Claims Tribunal in **District 'B'** shall call for the DAR and other relevant documents from the Claims Tribunal in **District 'A'**. After receipt of such requisition, the Claims Tribunal in **District 'A'** shall close the DAR and transfer the DAR to the Claims Tribunal in **District 'B'**.*

*A Motor accident takes place and consequently the FIR/FAR/IAR/DAR is filed in **District 'A'** of any State under the jurisdiction of the Gauhati High Court and the claimants file a claim application under Sections 164/166 of the M.V. Act in **District 'B'** in a different State under the jurisdiction of the Gauhati High Court, then the Claims Tribunal in **District 'B'** shall call for the DAR and other relevant*

*documents from the Claims Tribunal in **District 'A'**. After receipt of such requisition, the Claims Tribunal in **District 'A'** shall close the DAR and transfer the DAR to the Claims Tribunal in **District 'B'**.*

This Notification shall come into effect immediately

*By Order,
Sd/- S. K. Poddar
REGISTRAR GENERAL
Dated the 11th June, 2024*

34. Another very important aspect of Clause 21 is the stipulation of the procedure to be followed by the Claims Tribunal when the FAR is filed. The Claims Tribunal is required to register the FAR as a Miscellaneous Application and the IAR as well as the DAR shall be taken on record in the same Miscellaneous Application. The registration of a Miscellaneous Proceedings by the Claims Tribunal upon submission of FAR aids the Claims Tribunals to keep a tab on the statutory obligations cast upon the Investigating Officer as well as the Insurance Company. The Claims Tribunal is empowered to enquire as to whether the concerned Insurance Company has initiated steps in terms with Section 149 of the Act of 1988. Clause 18 and Clause 21 being relevant is reproduced herein under:-

18. Examination of FAR, IAR and DAR by the Claims Tribunal.- *The Claims Tribunal shall examine whether the FAR, IAR and the DAR are complete in all respects. If the DAR is complete in all respects, the Claims Tribunal shall fix a date for the appearance of the driver(s), owner(s), claimant(s) and the eye witness(es). The Investigating Officer shall produce them on the date so fixed.*

The Investigating Officer shall also intimate the date so fixed by the Claims Tribunal to the Nodal Officer of the Insurance Company and the Insurance Company shall ensure appearance on the date so fixed. If the FAR, IAR, and DAR are not complete, the Claims Tribunal shall direct the Investigating Officer to complete the same and shall fix a date for the said completion.

21. Claims Tribunal shall treat DAR as a claim petition for compensation under sub-section (4) of section 166 of the Motor Vehicles Act, 1988.- (1) *The Claims Tribunal shall treat the DAR filed by the Investigating Officer as a claim petition under section (4) of section 166 of the Motor Vehicles Act, 1988. However, where the Investigating Officer is unable to produce the claimant(s) on the first date of hearing, the Claims Tribunal shall register the DAR as a claim petition after the appearance of the claimant(s).*

(2) *Where the claimant(s) have filed a separate claim petition, the DAR may be tagged along with the claim petition.*

(3) *If the Report under section 173 of the Code of Criminal Procedure, 1973 (2 of 1974) has not been filed at the time of filing of the DAR, the Claims Tribunal may either wait till filing of the Report under Section 173 of the said Code of Criminal Procedure or record the statement of the eye witness(es) to satisfy itself with respect to the negligence before passing the award.*

(4) *The Claims Tribunal shall register the FAR as a Miscellaneous application and the IAR as well as DAR shall be taken on record in the same Miscellaneous application."*

35. Clause 23 of the Annexure-XIII is related to Section 149 of the Act of 1988 in as much as it stipulates that upon receipt of the copy of the First Information Report (FAR), the Insurance Company shall appoint a designated officer for that case within 10 days and the designated officer shall be responsible for

dealing/processing of that case and to pass a reasoned decision in writing with respect to the compensation payable to the claimant in accordance with law. In terms with Clause 24 of Annexure XIII, a duty is cast upon the Insurance Company to appoint a Nodal Officer and intimate the Name, Address, Phone Numbers, Mobile Number, Email Address of the Nodal officer of the State Police and all Investigating Officers of the State Police dealing with the investigation of motor accident claims so that the Investigating Officers can send relevant Forms and documents to the Nodal Officer by Email.

36. For the purpose of dealing with the present issue in hand, the above provisions of Chapter XI of the Act of 1988 read with Rule 150A of the Rules of 1989 and various Clauses of Annexure-XIII analyzed above, would show that even without filing a Claim Application by the claimant under Section 166 of the Act of 1988, proceedings for payment of compensation for death or bodily injury can be resolved. Various duties, obligations and responsibilities are imposed upon the Investigating Officers, the Insurance Companies, Owner, Driver as well as the Claims Tribunals so that even without filing any Claim Application under Section 166 of the Act of 1988, the legal representatives of the deceased or the victim can be redressed. The Amending Act as well as the amendment made to the Rules of 1989, in the

opinion of this Court, have led to a notable transformation of the system of resolution of motor accident claim proceedings from what existed prior to the Amending Act coming into force.

37. In the backdrop of the above, let this Court now analyze Chapter XII of the Act of 1988.

38. Chapter XII is with the heading "Claims Tribunals". There are Eleven (11) Sections in this Chapter. Section 165 of the Act of 1988 empowers the State Government to constitute one or more Motor Accident Claims Tribunal for such area as may be specified in the notification for the purpose of adjudicating upon claims for compensation in respect of accidents involving the death of, or bodily injury to persons arising out of the use of motor vehicles or damages to any property of a third party so arising or both. As observed earlier while Section 161 and Section 164 of the Act of 1988 provides compensation only on account of death or grievous hurt whereas the Claims Tribunals are empowered upon application filed under Section 166 (1) of the Act of 1988 to not only adjudicate claims pertaining to death and grievous injury but also any bodily injury to persons arising out of use of the motor vehicle or damage to any property of a third party so arising or both.

The Explanation to Sub-section (1) of Section 165 of the

Act of 1988, makes it clear that claims for compensation in respect of accidents involving the death of or bodily injury to persons, arising out of the use of motor vehicles, would include claims for compensation under Section 164 of the Act of 1988. Sub-section (1) of Section 165 of the Act of 1988, being relevant for the present proceedings is reproduced herein under:

“165. Claims Tribunals.—(1) A State Government may, by notification in the Official Gazette, constitute one or more Motor Accidents Claims Tribunals (hereafter in this Chapter referred to as Claims Tribunal) for such area as may be specified in the notification for the purpose of adjudicating upon claims for compensation in respect of accidents involving the death of, or bodily injury to, persons arising out of the use of motor vehicles, or damages to any property of a third party so arising, or both.

Explanation.—For the removal of doubts, it is hereby declared that the expression "claims for compensation in respect of accidents involving the death of or bodily injury to persons arising out of the use of motor vehicles" includes claims for compensation under Section 164".

39. Section 166 of the Act of 1988 refers to Application for Compensation. The said Section being the crux of the issue involved in the present proceedings is reproduced herein under:-

“166. Application for compensation.—(1) An application for compensation arising out of an accident of the nature specified in

sub-section (1) of section 165 may be made—

- (a) by the person who has sustained the injury; or (b)*
- (b) by the owner of the property; or*
- (c) (c) where death has resulted from the accident, by all or any of the legal representatives of the deceased; or*
- (d) by any agent duly authorised by the person injured or all or any of the legal representatives of the deceased, as the case may be:*

Provided that where all the legal representatives of the deceased have not joined in any such application for compensation, the application shall be made on behalf of or for the benefit of all the legal representatives of the deceased and the legal representatives who have not so joined, shall be impleaded as respondents to the application.

Provided further that where a person accepts compensation under section 164 in accordance with the procedure provided under Section 149, his claims petition before the Claims Tribunal shall lapse.

(2) Every application under sub-section (1) shall be made, at the option of the claimant, either to the Claims Tribunal having jurisdiction over the area in which the accident occurred or to the Claims Tribunal within the local limits of whose jurisdiction the claimant resides or carries on business or within the local limits of whose jurisdiction the defendant resides, and shall be in such form

and contain such particulars as may be prescribed:

(3) No application for compensation shall be entertained unless it is made within six months of the occurrence of the accident.

(4) The Claims Tribunal shall treat any report of accidents forwarded to under [section 159] as an application for compensation under this Act.

(5) Notwithstanding anything in this Act or any other law for the time being in force, the right of a person to claim compensation for injury in an accident shall, upon the death of the person injured, survive to his legal representatives, irrespective of whether the cause of death is relatable to or had any nexus with the injury or not."

40. A perusal of Sub-section (1) of Section 166 of the Act of 1988 would show that an application for compensation arising out of an accident of the nature specified in Sub-section (1) of Section 165 may be made by any of the person(s) as mentioned in Sub-Clauses (a) to (d) of Sub-section (1) of Section 166 of the Act of 1988.

41. At this stage, it will be pertinent to take note of the second proviso to Sub-section (1) of Section 166 which was inserted by the Amending Act stipulating that where a person accepts compensation in accordance with the procedure provided under Section 149 of the Act of 1988, the claim application before the

Claims Tribunal shall lapse. In other words, both proceedings under Section 149 and Section 166 (1) of the Act of 1988 can simultaneously run but the proceedings under Section 149 of the Act of 1988 results into a consent award {Section 149 (3) (a)} or an Award under Section 149 (3) (b) read with Section 168 of the Act of 1988, the proceedings filed under Section 166 (1) of the Act of 1988 shall lapse.

It is also noteworthy to mention that the consent award in terms with Section 149 (3) (a) of the Act of 1988 has to be passed within six months from the date of the accident by the Claims Tribunal in terms with Clause 27 of Annexure XIII. However, if the offer made by the Insurance Company is not fair or if the Insurance Company has any defence, the said award in terms with Section 149(3) (b) of the Act of 1988 read with Clause 29 of the Annexure XIII is required to be passed within 9 months from the date of the accident. The proceedings under Section 149(3) (b) of the Act of 1988 are required to be carried out in terms with Sections 168 and 169 of the Act of 1988.

42. Sub-section (2) of Section 166 stipulates the territorial jurisdiction of the Claims Tribunal to entertain the application made under Sub-section (1) of Section 166. The claimant has the option to file the claim application in any one of the following Claims Tribunal, i.e.

- (i) Claims Tribunal having jurisdiction over the area in which the accident occurred; or
- (ii) Claims Tribunal within the local limits of whose jurisdiction the claimant resides or carries on business; or
- (iii) Claims Tribunal within the local limits of whose jurisdiction the defendant resides.

It further stipulates that the Application form shall be in such form and contain such particulars as may be prescribed. The Assam Rules of 2003 are Rules made under various provisions of the Act of 1988 including provisions of the Act of 1988 including Section 176 of the Act of 1988. These Rules prescribe the Form for filing Application before the Claims Tribunal. Form 20 (A.C) of Schedule I is the said Form.

43. Before proceeding further, it is relevant to observe that by virtue of Section 166 (2) of the Act of 1988, the Claimant has the option to file the claim application in any one of the three Claims Tribunals referred to above. It is however apposite to mention that Section 159 of the Act of 1988 as well as various Clauses of Annexure XIII of the Rules of 1989 would show that the FAR/IAR/DAR would only be filed before the Claims Tribunal under whose jurisdiction the accident occurred. It further appears from a conjoint reading of Clause 21 of Annexure XIII

and the Notification issued by the Gauhati High Court dated 11.06.2024 that when a claim application is filed before a Claims Tribunal other than the Claims Tribunal within whose jurisdiction the accident occurred, the DAR would be transferred to the Claims Tribunal. But in absence of a claim proceedings being filed, it is only that Claims Tribunal within whose jurisdiction, the FAR/IAR/DAR is filed would be able to decide the claim proceedings.

44. Sub-section (3) of Section 166 stipulates that no application for compensation shall be entertained unless it is made within six months of the occurrence of the accident. In other words, the Claims Tribunal has been only empowered to entertain a claim application, if filed, within six months from the date of the occurrence of the accident.

CAN THE CLAIMS TRIBUNAL ENTERTAIN A CLAIM APPLICATION IF NOT FILED WITHIN SIX MONTHS FROM THE DATE OF THE ACCIDENT

45. Section 165(1) of the Act of 1988 would show that the Claims Tribunals are created by the State Government by issuance of Notifications. These Claims Tribunals are therefore Statutory Tribunals. The power so conferred upon the Claims Tribunals has to be within the confines of the Act of 1988 as well as the Assam Rules of 2003. Section 166(3) of the Act of 1988

only empowers the Claims Tribunal to entertain an application filed under Section 166(1) of the Act of 1988, if filed within six months from the date of occurrence of the accident. No power has been conferred by the legislature to condone the delay for sufficient cause. At this stage, it is relevant to note that against an award passed by the Claims Tribunal under Section 168 of the Act of 1988, an appeal lies to the High Court under Section 173 of the Act of 1988. However, the second proviso to Section 173(1) of the Act of 1988 empowers the High Court to condone the delay in filing the Appeal for sufficient cause. In this perspective, it is also very apposite to observe the legislative history which led to Section 166(3) of the Act of 1988 as it stands today.

46. Section 110-A (3) of the Motor Vehicles Act, 1939 was the pari materia provision in the repealed Motor Vehicles Act, 1939. It read as under:-

“110-A. (3) No application for such compensation shall be entertained unless it is made within six months of the occurrence of the accident:

Provided that the Claims Tribunal may entertain the application after the expiry of the said period of six months if it is satisfied that the applicant was prevented by sufficient cause from making the application in time.”

47. A perusal of the above quoted provision would show that the wording of Section 110-A (3) of the Act of 1939 is same as Section 166 (3) of the Act of 1988 as inserted by the Amending Act. The only notable difference is the proviso to Section 110A of the Motor Vehicles Act, 1934 which empowers the Claims Tribunal to entertain an application after the expiry of the six months if it is satisfied that the applicant was prevented by sufficient cause from making the application in time. Therefore, by virtue of the proviso to Section 110A of the Motor Vehicles Act, 1939, a power was conferred upon the Claims Tribunal to condone the delay upon showing sufficient cause.

48. The Motor Vehicles Act, 1939 was repealed by the Motor Vehicles Act, 1988 which came into force on 01.07.1989. Section 166 (3) as it stood on 01.07.1989 is reproduced herein below:-

“166. (3) No application for such compensation shall be entertained unless it is made within six months of the occurrence of the accident:

Provided that the Claims Tribunal may entertain the application after the expiry of the said period of six months but not later than twelve months, if it is satisfied that the applicant was prevented by sufficient cause from making the application in time.”

49. A comparative reading of the above quoted provision with Section 110A would show that difference between Section 166

(3) as it stood w.e.f. 01.07.1989 and Section 110A of the Motor Vehicles Act, 1939. Though the main Section is similarly worded but w.e.f. 01.07.1989, the Claims Tribunal was only empowered by the proviso to Section 166 (3) to entertain claim application upon demonstrating sufficient cause upto 12 months from the date of occurrence off the accident.

50. At this stage, this Court finds it relevant to take note of the observations of the Supreme Court in the case of ***Dhannalal vs. D. P. Vijayvargiya and Others***, reported in ***1996 (4) SCC 652*** wherein it was observed that an application filed beyond the period of 12 months from the date of the accident cannot be entertained by the Claims Tribunal as no discretion was left with the Claims Tribunal to consider the circumstances why the claim application could not be filed within the period of 12 months from the date of the accident. Similar interpretation has also been given to Section 34(3) of the Arbitration and Conciliation Act, 1996 by the Supreme Court in ***BBM Enterprise vs. State of West Bengal***, reported in ***(2020) 9 SCC 448***.

51. It is further relevant to take note of that Sub-section (3) of Section 166 of the Act of 1988 was omitted by Section 53 of the Motor Vehicles (Amendment) Act, 1994, which came into force w.e.f. 14.11.1994. The resultant effect of the said deletion of Section 166 (3) of the Act of 1988 w.e.f. 14.11.1994 was that

there was no period of limitation prescribed for entertaining a Claim Application. At this stage, it is pertinent to observe that in view of the omission of Section 166(3) of the Act of 1988 w.e.f. 14.11.1994, a claimant falling within the category of persons mentioned in Section 166 (1) of the Act of 1988 could file a Claim Application at any point of time. This Court finds it relevant to observe that as no limitation was prescribed, filing of delayed claim application led to various logistical problems whereby not only resolution of motor accident claims were delayed, but also evidence were lost. This aspect not only effected the claimant, but the owners/Insurance Companies lost valuable defence. Apart from that when claim proceedings are filed after lapse of many years, chances of misuse on account of lack of valuable defence could not be ruled out.

52. By the Amending Act which came into force w.e.f. 01.04.2022, Section 166 (3) of the Act of 1988 was again re-inserted, but without the proviso which empowered the Claims Tribunal to condone the delay beyond six months from the date of occurrence of the accident. The legislature by taking away the power of the Claims Tribunal to entertain any application filed beyond six months from the date of occurrence of the accident made its legislative intent clear. At this stage, it also appears from the analysis of Chapter XI, Rules of 1989 and Annexure XIII

of the Rules of 1989 that the Legislative Intent is for a quick and speedy resolution of the Motor Vehicle Accident Claims.

53. In the backdrop of the above, it is also ad rem that in the present proceedings there is no challenge to Section 166(3) of the Act of 1988. Therefore, within the confines of the jurisdiction of what is to be decided is whether by virtue of Section 166(3) of the Act of 1988 as it stands today, can the Claims Tribunal entertain a claim Application if not filed within six months from the date of occurrence of the accident.

54. The learned counsels appearing on behalf of the claimants have referred to certain judgments of various High Courts and submitted that as Chapters XI and XII of the Act of 1988 are beneficial pieces of legislation, Section 5 of the Limitation Act, 1963 (for short, 'the Act of 1963'), can be applied to empower the Claims Tribunal for extending the period. In that regard, references were drawn to the following judgments:-

(i) ***M/s Shriram General Insurance Co. Limited vs. Anil***, reported in ***2025 SCC OnLine KAR 17661***;

(ii) ***Akshya Raj and Others vs. Ministry of Law and Justice Legislative Department and Others***, reported in ***MANU/KE/0161/2023***;

(iii) ***Smt. Ayiti Navaneetha and Another vs. the Union of India***

and Others delivered by the learned Division bench of the learned Telangana High Court in WP(C) Nos.1395 and 1396/2023;

(iv) **The Divisional Manager, United India Insurance Company Ltd vs. Ramu @ Ramesh, S/O Yallappa**, delivered by the learned Karnataka High Court in WP(C) No.201961/2023.

55. The learned counsels for the Insurance Companies on the other hand referred to the Judgment of the Learned Madhya Pradesh High Court rendered in the case of **Sabir Ali vs. Anurag**, reported in **2024 SCC Online MP 7900** wherein it was held that in absence of a provision for condonation of delay, the Claims Tribunal cannot condone the delay. It was also opined that the inherent jurisdiction cannot also be exercised to condone the delay.

56. This Court has duly perused the Judgments so delivered by the Learned Telangana High Court, the Learned Kerala High Court, as well as the Learned Karnataka High Court, referred to herein above as well as the Judgment delivered by the Learned Madhya Pradesh High Court.

57. The first set of Judgments as relied upon on behalf of the counsels for the Claimants observes that Section 166 of the Act

of 1988 being a beneficial legislation, Section 5 of the Act of 1963 would duly apply. The Learned High Courts have also taken a view that in view of Section 29(2) of the Act of 1963, the provisions of Sections 4 to 24 can be applied.

58. Per contra, the Judgment relied upon by the learned counsels appearing on behalf of the Insurance Companies, i.e. the Judgment of the Learned Madhya Pradesh High Court observed that the Claims Tribunal does not have the power to condone the delay in absence of any provision for condonation of delay.

59. In the previous segments of the instant Judgment, this Court had quoted Section 165(1) of the Act of 1988. The said provision empowers the State Government by notification in the Official Gazette to constitute one or more Motor Accidents Claims Tribunals for such area as may be specified in the Notification for the purpose of adjudicating upon the claims for compensation in respect of accidents involving the death or bodily injury to persons arising out of the use of motor accidents or damages to any property of a third party so arising or both. Therefore, the Claims Tribunals being creation of the Act of 1988, the power conferred upon the Claims Tribunals has to be within the confines of the provisions of the Act of 1988. It is of importance to note that the Claims Tribunals are statutory Tribunals and not

Courts. Under such circumstances, two questions arise for consideration.

First as to whether the Limitation Act, 1963 (for short, 'the Act of 1963') can be made applicable taking into account that Chapter XII of the Act of 1988 concerns beneficial and welfare measures?

Secondly, by virtue of Section 29(2) of the Act of 1963, can the provisions of Sections 4 to 24 (both inclusive) of the Act of 1963 be applied?

60. Let this Court take up the first question. It is pertinent to first take note of the fact that the Claims Tribunals are not Courts though may have trapping of Courts and as such the Act of 1963 cannot be made applicable to the Claims Tribunals. It is no longer *res integra* that the Act of 1963 only applies to Courts and not quasi-judicial bodies. As far back in the year 1969, in the case of ***Town Municipal Council Athani vs. Presiding Officer***, reported in ***(1969) 1 SCC 873*** the Supreme Court while dealing with a question as to what applications are covered under Section 137 of the Schedule to the Limitation Act 1963 and observed that an application made under the Industrial Disputes Act, 1947 to a Labour Court constituted under Section 7A of the said Act of 1947 would not come within the ambit of Article 137 of the

Schedule to the Act of 1963. Paragraph No.12 being relevant is reproduced herein under:-

“12. This point, in our opinion, may be looked at from another angle also. When this Court earlier held that all the articles in the third division to the schedule, including Article 181 of the Limitation Act of 1908 governed applications under the [Code of Civil Procedure](#) only, it clearly implied that the application must be presented to a Court governed by the [Code of Civil Procedure](#). Even the applications under the Arbitration Act that were included within the third division by amendment of Articles 158 and 178 were to be presented to courts whose proceedings were governed by the [Code of Civil Procedure](#). At best, the further amendment now made enlarges the scope of the third division of the schedule so as also to include some applications presented to courts governed by the Code of Criminal Procedure. One factor at least remains constant and that is that the applications must be to courts to be governed by the articles in this division. The scope of the various articles in this division cannot be held to have been so enlarged as to include within them applications to bodies other than courts, such as a quasi-judicial tribunal, or even an executive authority. An Industrial Tribunal or a Labour Court dealing with applications or references under the Act are not courts and they are in no way governed either by the Code of Civil Procedure or the Code of Criminal Procedure. We cannot, therefore, accept the submission made that this article will apply even to applications made to an Industrial Tribunal or a Labour Court. The alterations made in the article and in the new Act

cannot, in our opinion, justify the interpretation that even applications presented to bodies, other than courts, are now to be governed for purposes of limitation by Article 137."

(emphasis supplied upon the underlined portion)

61. In the case of ***Kerala State Electricity Board vs. T.P. Kunhaliumma***, reported in ***(1976) 4 SCC 634***, a three Judges Bench of the Supreme Court made an authoritative pronouncement that the Act of 1963 applies only to courts, not to quasi-judicial Tribunals. It also observed that so long an application is made under any statute to a Civil Court, such application will be covered under Section 137 of the Act of 1963. It was also observed that where matters are referred for determination to a Court by statutory provisions with no further provision, the necessary implication would be that the Court would determine the matter as a Court. This Court finds it apposite to mention that the Supreme Court in the case of ***Kunhaliumma*** (supra) observed in connection with the Telegraph Act, 1885, that as Section 16 of the Telegraph Act, 1885 provided that the application would have to be filed to the District Judge which is a Court, the provisions of the Act of 1963 would be applicable.

The aforesaid principle of law was reiterated by the Supreme Court in the case of ***M.P. Steel Corporation vs. Commissioner of Central Excise***, reported in ***(2015) 7 SCC 58***.

62. It is relevant to note that in terms with Section 164 and Section 166 of the Act of 1988, the claim application has to be filed only before the Claims Tribunals which have been notified by the State Government.

63. Therefore, from the above analysis, it is absolutely clear that the Act of 1963 cannot be applied to the Claims Tribunal.

64. Now let this Court take up the second question as to whether, by virtue of Section 29 (2) of the Act of 1963, the provisions of Sections 4 to 24 of the Act of 1963 can be read into the provisions of Section 166(3) of the Act of 1988. The said question is also no longer res integra in view of the observation of the Supreme Court at Paragraph No.33 of the Judgment in the case of ***M.P. Steel Corporation*** (supra) wherein in the Supreme Court observed that when a suit, appeal or application of the description in the Schedule is to be filed in a Court under a special or a local law, then only the provisions of Section 29(2) would get attracted. Paragraph No.33 of the said Judgment being relevant is reproduced herein under:-

“33. The sheet anchor in Mukri Gopalan was Section 29(2) of the Limitation Act. Section 29(2) states:-

*“29. ***** Savings.— (1) (2) Where any special or local law prescribes for any suit, appeal or application a period of limitation different from the period*

prescribed by the Schedule, the provisions of Section 3 shall apply as if such period were the period prescribed by the Schedule and for the purpose of determining any period of limitation prescribed for any suit, appeal or application by any special or local law, the provisions contained in Sections 4 to 24 (inclusive) shall apply only insofar as, and to the extent to which, they are not expressly excluded by such special or local law.”

A bare reading of this Section would show that the special or local law described therein should prescribe for any suit, appeal or application a period of limitation different from the period prescribed by the schedule. This would necessarily mean that such special or local law would have to lay down that the suit, appeal or application to be instituted under it should be a suit, appeal or application of the nature described in the schedule. We have already held that such suits, appeals or applications as are referred to in the schedule are only to courts and not to quasi-judicial bodies or Tribunals. It is clear, therefore, that only when a suit, appeal or application of the description in the schedule is to be filed in a court under a special or local law that the provision gets attracted. This is made even clearer by a reading of Section 29(3). Section 29(3) states:-

*“29. * ***** Savings.— (1)-(2) (3) Save as otherwise provided in any law for the time being in force with respect to marriage and divorce, nothing in this Act shall apply to any suit or other proceeding under any such law.”*

When it comes to the law of marriage and divorce, the Section speaks not only of suits but other proceedings as well. Such proceedings may be proceedings which are neither appeals nor applications thus making it clear that the laws relating to marriage and divorce, unlike the law of limitation, may contain proceedings other than suits, appeals or applications filed in courts. This again is an important pointer to the fact that the entirety of the [Limitation Act](#) including Section 29(2) would apply only to the three kinds of proceedings mentioned all of which are to be filed in courts."

65. The above analysis would make it clear that the provisions of Section 29 (2) of the Act of 1963 cannot be applied to a claim application and consequently, the provisions of Sections 4 to 24 of the Act of 1963, cannot be imported to confer jurisdiction upon the Claims Tribunal to entertain any application beyond the period of six months from the date of the occurrence of the accident.

66. In addition to the above, it is also pertinent to note the observation of the Supreme Court in the case of ***Dhannalal*** (supra) while dealing with Section 166 (3) of the Act of 1988 as it stood prior to 14.11.1994 wherein it was observed that the power to condone was only limited to 12 months from the date of the accident in view of the proviso contained in Section 166 (3) of the Act of 1988 which came into effect w.e.f. 01.07.1989.

67. This Court also finds it very pertinent to observe that Section 166 (1) of the Act of 1988 empowers the persons enlisted at Clause (a) to (d) of Sub-section (1) of Section 166 of the Act of 1988 to make an application. However, Section 166(3) of the Act of 1988 only confers the jurisdiction upon the Claims Tribunal to entertain such application if filed within a period of six months from the date of the accident. ***The power to entertain being a power conferred by the Statute, till Section 166(3) of the Act of 1988 remains in the Statute Books as it stands, the Claims Tribunal concerned would have no power to entertain any claim application filed beyond the period of six months from the date of occurrence of the accident.***

68. In view of the above analysis, this Court with due respect to the judgments rendered by the Learned Telangana High Court, Learned Kerala High Court and Learned Karnataka High Court would defer on the aspect pertaining to the applicability of the Act of 1963 to Section 166(3) of the Act of 1988. This Court is of the opinion that the Claims Tribunal would have no jurisdiction to entertain a claim application if filed beyond six months from the date of occurrence of the accident in view of Section 166(3) of the Act of 1988 as it stands w.e.f. 01.04.2022.

69. In that view of the matter, this Court opines that the impugned orders by which the learned Claims Tribunals in the present cases have condoned the delay in respect to those claim

applications filed beyond the period of six months from the date of occurrence of the accident or have entertained such claim applications, are without authority and jurisdiction.

REMAINING PROVISIONS OF CHAPTER XII OF THE ACT OF 1988

70. It is one thing that the Claims Tribunal does not have the jurisdiction to entertain a claim application filed beyond six months from the date of occurrence of the accident, but it is another thing as to what steps are required to be taken by the Claims Tribunal upon an accident occurring resulting in death or bodily injury or damage to the third party rights within its jurisdiction. This aspect is clear from a reading of Sections 149, 152, 159, 168, 169 of the Act of 1988 as well Rule 150A read with Annexure XIII of the Rules of 1989 as already discussed above. It is in that perspective relevant to take note of Section 166(4) of the Act of 1988.

71. Section 166(4) of the Act of 1988 empowers the Claims Tribunal to treat any report of an accident forwarded to it under Section 159 of the Act of 1988 as an application for compensation under the Act of 1988. It is relevant to note that Section 166 (4) of the Act of 1988 was inserted by the Motor Vehicles (Amendment) Act, 1994 which came into effect on 14.11.1994. However, by the Amending Act, the said Sub-section

was also amended thereby substituting the "Sub-section (6) of Section 158" with "Section 159".

72. It is also apposite to observe that prior to the Amending Act of 2019, though Section 166 (4) of the Act of 1988 empowered the Claims Tribunal to treat a report submitted under Sub-Section (6) of Section 158 of the Act of 1988 as a claim proceeding, but in absence of the correlating provisions, the said Sub-Section (4) of Section 166 of the Act of 1988 remained ineffectual. However, with the Amending Act and the insertion of Rule 150A and Annexure XIII to the Rules of 1989, Sub-Section (4) of Section 166 of the Act of 1988 have received impetus.

73. The judgment of the Supreme Court in the case of **Gohar Mohammed** (supra) and the directions issued for compliance have immensely put into motion the quick resolution of the motor vehicle accident claims in terms with Sections 149, 159 of the Act of 1988 read with Rule 150A and Annexure XIII to the Rules of 1989.

74. The directions passed by the Supreme Court in the case of **Gohar Mohammed** (supra) at paragraph No.78 and its sub-paragraphs being relevant are quoted herein under:-

“78. Accordingly, this appeal is decided with the following directions:

78.1. The appeal filed by the owner challenging the issue of liability

is hereby dismissed confirming the order¹ passed by the High Court and MACT.

78.2. On receiving the intimation regarding road accident by use of a motor vehicle at public place, the SHO concerned shall take steps as per Section 159 of the MV Amendment Act.

78.3. After registering the FIR, the investigating officer shall take recourse as specified in the MV Amendment Rules, 2022 and submit the FAR within 48 hours to the Claims Tribunal. The IAR and DAR shall be filed before the Claims Tribunal within the time-limit subject to compliance with the provisions of the Rules.

78.4. The registering officer is duty-bound to verify the registration of the vehicle, driving licence, fitness of vehicle, permit and other ancillary issues and submit the report in coordination to the police officer before the Claims Tribunal.

78.5. The flow chart and all other documents, as specified in the Rules, shall either be in vernacular language or in English language, as the case may be and shall be supplied as per Rules. The investigating officer shall inform the victim(s)/legal representative(s), driver(s), owner(s), insurance companies and other stakeholders with respect to the action taken following the MV Amendment Rules and shall take steps to produce the witnesses on the date, so fixed by the Tribunal.

78.6. For the purpose to carry out the direction contained in para 78.3, distribution of police stations attaching them with the Claims Tribunals is required. Therefore, distribution memo attaching the

police stations to the Claims Tribunals shall be issued by the Registrars General of the High Courts from time to time, if not already issued to ensure the compliance of the Rules.

78.7. In view of the MV Amendment Act and Rules, as discussed hereinabove, the role of the investigating officer is very important. He is required to comply with the provisions of the Rules within the time-limit, as prescribed therein. Therefore, for effective implementation of the MV Amendment Act and the Rules framed thereunder, the specified trained police personnel are required to be deputed to deal with the motor accident claim cases. Therefore, we direct that the Chief Secretary/Director General of Police in each and every State/Union Territory shall develop a specialised unit in every police station or at town level and post the trained police personnel to ensure the compliance of the provisions of the MV Amendment Act and the Rules, within a period of three months from the date of this order.

78.8. On receiving FAR from the police station, the Claims Tribunal shall register such FAR as miscellaneous application. On filing the IAR and DAR by the investigating officer in connection with the said FAR, it shall be attached with the same miscellaneous application. The Claims Tribunal shall pass appropriate orders in the said application to carry out the purpose of Section 149 of the MV Amendment Act and the Rules, as discussed above.

78.9. The Claims Tribunals are directed to satisfy themselves with the offer of the designated officer of the insurance company with an intent to award just and reasonable compensation. After recording

such satisfaction, the settlement be recorded under Section 149(2) of the MV Amendment Act, subject to consent by the claimant(s). If the claimant(s) is not ready to accept the same, the date be fixed for hearing and affording an opportunity to produce the documents and other evidence seeking enhancement, the petition be decided. In the said event, the said enquiry shall be limited only to the extent of the enhancement of compensation, shifting onus on the claimant(s).

78.10. The General Insurance Council and all insurance companies are directed to issue appropriate directions to follow the mandate of Section 149 of the MV Amendment Act and the amended Rules. The appointment of the Nodal Officer prescribed in Rule 24 and the designated officer prescribed in Rule 23 shall be immediately notified and modified orders be also notified time to time to all the police stations/stakeholders.

78.11. If the claimant(s) files an application under Section 164 or 166 of the MV Amendment Act, on receiving the information, the miscellaneous application registered under Section 149 shall be sent to the Claims Tribunal where the application under Section 164 or 166 is pending immediately by the Claims Tribunal.

78.12. In case the claimant(s) or legal representative(s) of the deceased have filed separate claim petition(s) in the territorial jurisdiction of different High Courts, in the said situation, the first claim petition filed by the claimant(s)/legal representative(s) shall be maintained by the said Claims Tribunal and the subsequent claim petition(s) shall stand transferred to the Claims Tribunal where the

first claim petition was filed and pending. It is made clear here that the claimant(s) are not required to apply before this Court seeking transfer of other claim petition(s) though filed in the territorial jurisdiction of different High Courts. The Registrars General of the High Courts shall take appropriate steps and pass appropriate order in this regard in furtherance to the directions of this Court.

78.13. If the claimant(s) takes recourse under Section 164 or 166 of the MV Amendment Act, as the case may be, he/they are directed to join Nodal Officer/designated officer of the insurance company as respondents in the claim petition as proper party of the place of accident where the FIR has been registered by the police station. Those officers may facilitate the Claims Tribunal specifying the recourse as taken under Section 149 of the MV Amendment Act.

78.14. The Registrars General of the High Courts, States Legal Services Authority and State Judicial Academies are requested to sensitise all stakeholders as early as possible with respect to the provisions of Chapters XI and XII of the MV Amendment Act and the MV Amendment Rules, 2022 and to ensure the mandate of law.

78.15. For compliance of mandate of Rule 30 of the MV Amendment Rules, 2022, it is directed that on disputing the liability by the insurance company, the Claims Tribunal shall record the evidence through Local Commissioner and the fee and expenses of such Local Commissioner shall be borne by the insurance company.

78.16. The State Authorities shall take appropriate steps to develop a joint web portal/platform to coordinate and facilitate the

stakeholders for the purpose to carry out the provisions of the MV Amendment Act and the Rules in coordination with any technical agency and be notified to the public at large.”

75. This Court further finds it relevant at this stage to take note of that the Central Government had carried out necessary amendments to the Rules of 1989, pursuant to the Amending Act by inserting Rule 150A and Annexure XIII to the Rules of 1989. However, the State of Assam is yet to carry out Amendments to the Assam Rules of 2003 and more particularly to Chapter IX of the said Rules so that the impetus provided by the Amending Act, Rule 150A of the Rules of 1989 along with Annexure XIII can be fully implementable. It is reiterated that only the State Government is empowered to make Rules for giving effect to the provisions of Sections 165 to 174 of the Act of 1988. This Court hopes and expects that the State of Assam shall do the needful.

76. Be that as it may, an Executive instruction had been issued on 01.12.2025 by the Home Department of the Government of Assam thereby directing all Investigating Officers / Officer-in-Charge of the Police Stations, Outposts and Supervising Officers under the Assam Police to mandatorily prepare and submit the reports in every motor accident case within the prescribed timelines. Further to that, it is also mentioned that non-submission or delayed submission of the FAR/IAR/DAR shall be

treated as non-compliance to statutory duties and may attract disciplinary action under the Assam Disciplinary Services (Discipline and Appeal) Rules, 1964, and the other relevant laws and Rules as applicable. The contents of the said notification being relevant is reproduced herein under:-

**GOVERNMENT OF ASSAM
HOME DEPARTMENT
BLOCK 'I', 2ND FLOOR, ASSAM SECRETARIAT
DISPUR, GUWAHATI-781006
NOTIFICATION
ORDERS BY THE GOVERNOR OF ASSAM**

Dated: As signed

No. 723899/32: In compliance with the order dated 04.11.2025 passed by the Hon'ble Gauhati High Court in CRP (I/O) No. 111/2024 - Bajaj Allianz General Insurance Co. Ltd vs. Girikanta Mahanta & Ors, and in pursuance of Clause 20 of Annexure XIII of the Central Motor Vehicles Rules, 1989, as amended by the Central Motor Vehicles (Filing of Amendment) Rules, 2022, read with the directions of the Hon'ble Supreme Court in Gohar Mohammed vs. Uttar Pradesh State Road Transport Corporation & Ors, (2023), the Governor of Assam is pleased to issue the following instructions for strict compliance in all motor vehicle accident cases across the State.

1. Mandatory Filing of Accident Reports

All Investigating Officers, Officers-in-Charge of Police Stations/Outposts, and supervisory officers under Assam Police shall mandatorily prepare and submit the following reports in every motor accident case, within the prescribed timelines:

<i>Report</i>	<i>Description</i>	<i>Timeline</i>
<i>FAR – First Accident Report</i>	<i>Initial accident information report</i>	<i>Within 48 hours of receipt of information</i>
<i>IAR – Interim Accident Report</i>	<i>Report to MACT pending final DAR</i>	<i>Within 30 days of the accident</i>
<i>DAR – Detailed Accident Report</i>	<i>Final comprehensive accident report</i>	<i>Within 90 days of the accident</i>

These timelines shall be adhered to strictly, except in exceptional circumstances recorded in writing.

2. Statutory Responsibility under Clause 20

Clause 20 of Annexure XIII provides that duties of the police relating to accident investigation shall be deemed to be included under the respective State Police Act, and any breach shall entail legal consequences under that Act.

Non-submission or delayed submission of FAR/IAR/DAR shall be treated as non-compliance of statutory duties and may attract disciplinary action under the Assam Police Act, 2007, the Assam Services (Discipline & Appeal) Rules, 1964, and other relevant laws and rules as applicable.

3. Monitoring of Compliance

The CID, Assam (Nodal Authority) shall monitor compliance of FAR/IAR/DAR across districts. All Senior Superintendents of Police / Commissioners of Police shall ensure district-level compliance and furnish reports to CID in a timely manner.

This Notification shall come into force with immediate effect.

Sd/-

(Biswajit Pegu, IAS)

*Commissioner & Secretary to the Government of Assam,
Home and Political Department*

77. This Court also finds it relevant to take note of Section 168 and Section 169 of the Act of 1988. Both the sections provide the procedure to be followed by the Claims Tribunal. At the cost of repetition, this Court finds it relevant to again reiterate that the proceedings under Section 149(3)(b) of the Act of 1988 is to be carried out in terms with Sections 168 and 169 of the Act of 1988 as mandated in Clause 29 of the Annexure XIII of the Rules of 1989. The proceedings initiated under Section 159 of the Act of 1988 converts itself to a proceedings under Section 166 of the

Act of 1988 by virtue of Section 166(4) of the Act of 1988 which also is to be decided by the Claims Tribunal in terms with Sections 168 and 169 of the Act of 1988.

78. CONCLUSION UPON THE ANALYSIS OF THE RELEVANT PROVISIONS

(A) The Amending Act, Rule 150A of the Rules of 1989 and Annexure XIII of the Rules of 1989 have resulted in notable transformation of the process of resolution of the Motor Vehicle Accident Claims.

(B) There are three modes by which claim proceedings can be entertained by the Claims Tribunal:

(i) A proceedings in terms with Section 149 of the Act of 1988. In terms of Section 149(3)(a) of the Act of 1988, a consent award can be passed. In terms with Section 149(3) (b) of the Act of 1988, the question of enhancement of the compensation offered by the Insurance Company as well as the defence of the Insurance Company can be adjudicated in terms with Section 168 and 169 of the Act of 1988.

(ii) A proceeding in terms with Section 159 and 166(4) of the Act of 1988 read with Rule 150A and Annexure XIII of the Rules of 1989:- Upon submission of the FAR, the Claims Tribunal is required to register a Miscellaneous Case and

keep a tab upon the Investigating Officer as regards submission of the IAR and DAR within the timelines. Upon appearance of the claimants in pursuance to the DAR, the Claims Tribunal would treat the DAR as a claim proceeding irrespective of whether a claim proceeding has been filed or not. However, in the circumstances, the claim proceedings has already been filed in the same Claims Tribunal, the DAR would become a part of the claim proceeding. In the case the claim proceedings is filed in any other Claims Tribunal, the DAR shall be transferred to the said Claims Tribunal where the claim proceedings is pending.

(iii) A proceedings in terms with Section 166(1) of the Act of 1988:- In terms with Section 166 (1) of the Act of 1988 any person enlisted in Clauses (a) to (d) of Section 166(1) of the Act of 1988 can file a claim application.

(C) Section 146 of the Act of 1988 mandates the requirement of insurance in respect to all motor vehicles except those exempted. This provision is to be strictly complied with and the Competent Authorities are also required to ensure strict compliance by applying Section 196 of the Act of 1988 as well as other provisions of law.

It is apposite to observe that strict compliance with Section

146 of the Act of 1988 would give an effectual resolution of the motor vehicle accident claims in terms with Section 149 of the Act of 1988.

(D) Section 149 of the Act of 1988 imposes a statutory obligation and duty upon the Insurance Company. The said Section does not provide any time limit to the claimant though it imposes time limits for the Insurance Company to make an offer within 30 days. The said Section read with Clause 27 of Annexure-XIII imposes an obligation upon the Claims Tribunal to pass a consent award within six months from the date of the accident. However, in the circumstances, a consent award cannot be passed on account of the amount offered by the Insurance Company is not fair or on account of a valid defence set up by the Insurance Company, the said proceedings are required to be disposed of in terms with Section 149(3)(b) read with Sections 168 and 169 of the Act of 1988 and Clauses 29 and 30 of Annexure-XIII by the Claims Tribunal within 90 days from the date of the accident by the Claims Tribunal. The duties/obligations cast upon the Claims Tribunal also confers jurisdiction upon the Claims Tribunal concerned to ensure that the concerned Insurance Company is taking steps on the basis of the statutory obligation cast upon it by Section 149 of the Act of 1988.

(E) Section 159 of the Act of 1988 imposes a statutory duty upon the Police Officer/Investigating Officer to prepare an Accident Information Report. What steps are required to be taken by the Investigating Officer are clearly delineated in the various Clauses of Annexure-XIII of the Act Rules of 1989. Apart from that, the Supreme Court in its judgment in the case of **Gohar Mohammed** (supra) had also laid down the measures which an Investigating Officer is required to take. It is very pertinent to note that a conjoint reading of Sections 159 and 166(4) of the Act of 1988 read with Rule 150A and the various Clauses of Annexure-XIII of the Rules of 1989 casts an obligation as well as duty upon the Claims Tribunal to enforce the provisions of Section 159 of the Act of 1988 read with the Clauses of Annexure-XIII of the Rules of 1989.

(F) The Claims Tribunal is a creation of the Act of 1988. It is empowered to do such acts which the Act of 1988, the Rules of 1989 as well as the Assam Rules of 2003 stipulate.

(G) The Claims Tribunal is a quasi-judicial body and not a full-fledged Court. Under such circumstances, the provisions of the Limitation Act, 1963 cannot be applied.

(H) The provisions of Section 29(2) of the Limitation Act, 1963 would not be applicable in respect to any application to be filed

before the Claims Tribunal. Consequently, Sections 4 to 24 (both inclusive) cannot be applied by the Claims Tribunal. For the purpose of the present dispute, it is made clear that the Claims Tribunal cannot apply Section 5 of the Limitation Act, 1963 to condone any delay in filing the claim application if not filed within six months from the date of occurrence of the accident.

(I) The power to entertain by the Claims Tribunal being restricted by Section 166(3) of the Act of 1988 only to claim application filed within six months from the date of occurrence of an accident, the Claims Tribunal cannot entertain a Claim Application filed in terms with Section 166 (1) of the Act of 1988 if not filed within six months from the date of occurrence of the accident.

(J) Section 166(3) of the Act of 1988 though limits the jurisdiction of the Claims Tribunal to entertain claim application filed under Section 166(1) of the Act of 1988, if not filed within six months of the occurrence of an accident, but by virtue of Section 149 and Section 166(4) of the Act of 1988, the Claims Tribunal continues to retain the jurisdiction over the motor vehicle accident claims concerning a motor vehicle accident which occurred within the jurisdiction of the Claims Tribunal.

(K) Sections 149, 159 and 166(4) of the Act of 1988 read with

Rule 150A and Annexure-XIII as already opined casts statutory duties and obligations upon the Insurance Company, Investigating Officer as well as the Claims Tribunal. The Amending Act as well as the Rules of 1989 as amended up to date provides quick resolution of motor vehicle accident claims without the requirement of the claimants approaching the Claims Tribunal under Section 166(1) of the Act of 1988.

It is also apposite to observe that upon a perusal of Section 149 read with Clauses 27 and 28 of Annexure-XIII, the resolution of the motor vehicle accident claim is to be completed latest by 90 days from the date of the accident. Similarly when a proceedings is initiated under Section 159 of the Act of 1988, the Investigating Officer is required to submit the DAR, unless extended by the Claims Tribunal in terms with Clause 17 of the Annexure-XIII, within 90 days. Further, the DAR would be registered as a claim proceeding by the Claims Tribunal upon appearance of the claimant and proceed with as mandated by Section 166(4) read with Sections 168 and 169 of the Act of 1988.

(L) The necessity of the claimant to file the Claim Application after the period of six months of the occurrence of the accident would only arise in circumstances when the Insurance Company or the Investigating Officer or the Claims Tribunal do not perform

their duties/responsibilities as cast upon them by law. Under such circumstances, as the Claims Tribunal retains jurisdiction over all motor vehicle accidents occurred within its jurisdiction, till the statutory obligations/duties cast upon the Authorities/Insurance companies/Claims Tribunal are complied with, the Claims Tribunal is required to treat the claim application filed beyond the period of six months from the date of occurrence of the accident as a complaint of the claimant for non-performance of the duties reposed upon the Insurance Company/Investigating Officer as well as the Claims Tribunal.

For the sake of clarity, it is mentioned that a claim application filed beyond the period mentioned in Section 166(3) of the Act of 1988 cannot be treated as a claim application. It can only be treated as an application bringing forth to the notice of the Claims Tribunal that the Insurance Company/Investigating Officer as well as the Claims Tribunal have failed to perform its statutory duties reposed upon them by law.

(M) Upon filing of a claim application beyond the period prescribed in Section 166(3) of the Act of 1988, the Claims Tribunal shall treat the same as a Complaint and enquire upon the Investigating Officer and/or the Insurance Company by issuing Notice as to why the duties and obligations cast upon them by law have been complied with.

(N) It is also observed that in the circumstance, the Claims Tribunal arrives at a finding that the Insurance Company did not receive information as provided in terms with the provisions of Section 149 (1) of the Act of 1988, the Notice issued by the Claims Tribunal upon the Insurance Company in terms with Clause (M) hereinabove shall be construed as information to the Insurance Company in terms with Section 149 (1) of the Act of 1988.

(O) Upon enquiry, if it is found that there is compliance by the Investigating Officer and/or the Insurance Company, the claim application which is treated as a complaint shall be closed informing the claimant about the outcome.

(P) Upon enquiry, if it is found that the Investigating Officer and/or the Insurance Company have failed to comply with the obligations cast upon them by law, the Claims Tribunal shall forthwith issue directions upon the Investigating Officer and/or the Insurance Company seeking compliance.

It is further observed that in the circumstances, the Investigating officer does not comply as directed, the Claims Tribunal shall, in addition to other permissible directions, inform the Disciplinary Authority of the Investigating Officer as regards non compliance and request to take action against the

Investigating Officer in terms with the Notification dated 01.12.2025 as already quoted above.

It is further observed that in the circumstance the concerned Insurance Company does not comply, the Claims Tribunal shall report such incident to the Insurance Regulatory and Development Authority of India for doing the needful.

(Q) Section 166(2) of the Act of 1988 provides options to the claimant to file a claim Application in any of the Claims Tribunals, i.e.

- (i) Claims Tribunal within the jurisdiction where the accident occurred.
- (ii) Claims Tribunal within the jurisdiction where the claimant resides or works for gain.
- (iii) Claims Tribunal within the jurisdiction where the Defendant resides.

However for the purpose of Sections 149 and 159 of the Act of 1988, it shall be the Claims Tribunal within whose jurisdiction the accident occurred in as much as it is only that Claims Tribunal within whose jurisdiction the accident occurred retains jurisdiction for the purpose of effecting compliance to Sections 149, 159 and 166(4) of the Act of 1988 read with Annexure-XIII of the Rules of 1989.

Therefore, if a belated claim Application is filed before a Claims Tribunal within whose jurisdiction the accident did not occur, the said Claims Tribunal shall transfer the belated claim Application to the Claims Tribunal within whose jurisdiction the accident occurred for doing the needful in terms with the aforesaid directions. The Claims Tribunal, upon receipt of the belated claim Application, shall register the same as a Miscellaneous Application and proceed as per the directions passed hereinabove.

(R) This Court also directs that henceforth no claim Application filed beyond the period of six months from the date of occurrence of the accident be registered by the Claims Tribunal. Such belated claim application be registered as a Miscellaneous Application.

(S) Upon submission of the DAR by the Investigating Officer to the Claims Tribunal before whom the belated Claim Application was filed and/or transferred, the claim proceedings be registered after the Claimant appears before the said Claims Tribunal and proceeded with in terms with Sections 166(4), 168 and 169 of the Act of 1988.

(T) It is observed that if the Claimant satisfies the Claims Tribunal by way of an application that the Claimant has genuine

difficulties in participating before the Claims Tribunal where the belated Claim Application was transferred, it shall be within the jurisdiction of the Claims Tribunal to consider such application and transfer the claim proceedings to the Claims Tribunal wherein the belated claim Application was filed at the first instance. Upon transfer and receipt of the claim proceedings, the Claims Tribunal shall decide the claim proceedings in terms with Sections 166(4), 168 and 169 of the Act of 1988.

79. It is the opinion of this Court that in view of the conclusions arrived at hereinabove, necessary directions are required to be passed upon the learned Tribunals in the cases presently adjudicated by this Court.

80. **DIRECTIONS TO THE LEARNED TRIBUNALS**

(A) CRP No.140/2023

(i) The Accident took place on 26.05.2022 and the claim Application was filed on 04.06.2023, i.e. beyond the period of six months from the date of the occurrence of the accident.

(ii) The Claim Application being MAC Case No.151/2023 was dismissed by the learned Motor Accidents Claims Tribunal, Barpeta on 05.07.2023.

(iii) The order dated 05.07.2023 is set aside and quashed.

The Claim Application is restored to the file of the learned Motor Accidents Claims Tribunal, Barpeta to be only considered as a complaint. The claim Application be re-registered as a Miscellaneous Application.

(iv) The learned Motor Accidents Claims Tribunal, Barpeta shall do the needful in terms with the observations made in paragraph No.78 of this judgment.

(B) CRP No.141/2023

(i) The Accident took place on 26.05.2022 and the claim Application was filed on 04.06.2023, i.e. beyond the period of six months from the date of the occurrence of the accident.

(ii) The Claim Application being MAC Case No.150/2023 was dismissed by the learned Motor Accidents Claims Tribunal, Barpeta on 05.07.2023.

(iii) The order dated 05.07.2023 is set aside and quashed. The Claim Application is restored to the file of the learned Motor Accidents Claims Tribunal, Barpeta to be only considered as a complaint. The claim Application be re-registered as a Miscellaneous Application.

(iv) The learned Motor Accidents Claims Tribunal, Barpeta shall do the needful in terms with the observations made in

paragraph No.78 of this judgment.

(C) CRP No.106/2024

(i) The Accident took place on 26.11.2022 and the claim Application was filed on 10.07.2023, i.e. beyond the period of six months from the date of the occurrence of the accident.

(ii) The Claim Application being MAC Case No.12/2023 was dismissed by the learned Motor Accidents Claims Tribunal, Golaghat on 05.07.2024.

(iii) The order dated 05.07.2024 is set aside and quashed. The Claim Application is restored to the file of the learned Motor Accidents Claims Tribunal, Golaghat to be only considered as a complaint. The claim Application be re-registered as a Miscellaneous Application.

(iv) The learned Motor Accidents Claims Tribunal, Golaghat shall do the needful in terms with the observations made in paragraph No.78 of this judgment.

(D) CRP No.32/2025

(i) The Accident took place on 17.04.2023 and the claim Application was filed on 08.03.2024, i.e. beyond the period of six months from the date of the occurrence of the

accident.

(ii) The Claim Application being MAC Case No.06/2024 was dismissed by the learned Motor Accidents Claims Tribunal, Golaghat on 06.12.2024.

(iii) The order dated 06.12.2024 is set aside and quashed. The Claim Application is restored to the file of the learned Motor Accidents Claims Tribunal, Golaghat to be only considered as a complaint. The claim Application be re-registered as a Miscellaneous Application.

(iv) The learned Motor Accidents Claims Tribunal, Golaghat shall do the needful in terms with the observations made in paragraph No.78 of this judgment.

(E) CRP No.44/2025

(i) The Accident took place on 12.04.2022 and the claim Application was filed on 04.03.2023, i.e. beyond the period of six months from the date of the occurrence of the accident.

(ii) The Claim Application being MAC Case No.348/2023 was dismissed by the learned Motor Accidents Claims Tribunal No.3, Kamrup (M). Guwahati on 30.01.2025.

(iii) The order dated 30.01.2025 is set aside and quashed.

The Claim Application is restored to the file of the learned Motor Accidents Claims Tribunal No.3, Kamrup (M). Guwahati to be only considered as a complaint. The claim Application be re-registered as a Miscellaneous Application.

(iv) The learned Motor Accidents Claims Tribunal No.3, Kamrup (M), Guwahati shall do the needful in terms with the observations made in paragraph No.78 of this judgment.

(F) CRP(IO) No.111/2024

(i) The Accident occurred on 14.06.2022 and the claim Application was filed on 27.12.2022 which was registered as MAC Case No.118/2022.

(ii) By the impugned order dated 18.01.2023, the delay of 16 days was condoned by the learned Motor Accident Claims Tribunal, Sonitpur at Tezpur.

(iii) The impugned order dated 18.01.2023 is contrary to Section 166(3) of the Act of 1988 and as such set aside and quashed.

(iv) The claim Application be kept on record and be re-registered as a Miscellaneous Application and the learned Motor Accident Claims Tribunal, Sonitpur at Tezpur shall do the needful as per the observations made in paragraph

No.78 of this judgment.

(G) CRP(IO) No.386/2023

(i)The Accident occurred on 18.05.2022 and the claim Application was filed on 07.12.2022 which was registered as MAC Case No.560/2022.

(ii) By the impugned order dated 14.09.2023, the delay of 20 days was condoned by the learned Motor Accident Claims Tribunal, Cachar at Silchar.

(iii) The impugned order dated 14.09.2023 is contrary to Section 166(3) of the Act of 1988 and as such set aside and quashed.

(iv) The claim Application be kept on record and be re-registered as a Miscellaneous Application and the learned Motor Accident Claims Tribunal, Cachar at Silchar shall do the needful as per the observations made in paragraph No.78 of this judgment.

(H) CRP(IO) No.257/2024

(i)The Accident occurred on 27.12.2022 and the claim Application was filed on 03.07.2023 which was registered as Misc.(J) MAC Case No.04/2023.

(ii) By the impugned order dated 07.07.2023, the delay of 8

days was condoned by the learned Motor Accident Claims Tribunal, Kokrajhar.

(iii) The impugned order dated 07.07.2023 is contrary to Section 166(3) of the Act of 1988 and as such set aside and quashed.

(iv) The claim Application be kept on record and be re-registered as a Miscellaneous Application and the learned Motor Accident Claims Tribunal, Kokrajhar shall do the needful as per the observations made in paragraph No.78 of this judgment.

(I) CRP(IO) No.392/2024

(i) The Accident occurred on 15.07.2022 and the claim Application was filed on 19.01.2023 which was registered as MAC Case No.25/2023.

(ii) By the impugned order dated 19.01.2023, the delay of 4 days was condoned by the learned Motor Accident Claims Tribunal, Goalpara.

(iii) The impugned order dated 19.01.2023 is contrary to Section 166(3) of the Act of 1988 and as such set aside and quashed.

(iv) The claim Application be kept on record and be re-

registered as a Miscellaneous Application and the learned Motor Accident Claims Tribunal, Goalpara shall do the needful as per the observations made in paragraph No.78 of this judgment.

(J) CRP(IO) No.121/2025

(i) The Accident occurred on 12.05.2023 and the claim Application was filed on 30.11.2023 which was registered as Misc. Case No.78/2023.

(ii) By the impugned order dated 03.07.2024, the delay of 18 days was condoned by the learned Motor Accident Claims Tribunal, Nagaon.

(iii) The impugned order dated 03.07.2024 is contrary to Section 166(3) of the Act of 1988 and as such set aside and quashed.

(iv) The claim Application be kept on record and be re-registered as a Miscellaneous Application and the learned Motor Accident Claims Tribunal, Nagaon shall do the needful as per the observations made in paragraph No.78 of this judgment.

(K) CRP(IO) No.134/2025

(i) The Accident occurred on 10.03.2023 and the claim

Application was filed on 30.08.2024 which was registered as Misc. Case No.16/2024 (D).

(ii) By the impugned order dated 20.02.2025, the delay of 301 days was condoned by the learned Motor Accident Claims Tribunal, Nalbari.

(iii) The impugned order dated 20.02.2025 is contrary to Section 166(3) of the Act of 1988 and as such set aside and quashed.

(iv) The claim Application be kept on record and be re-registered as a Miscellaneous Application and the learned Motor Accident Claims Tribunal, Nalbari shall do the needful as per the observations made in paragraph No.78 of this judgment.

(L) CRP(IO) No.187/2025

(i) The Accident occurred on 12.09.2022 and the claim Application was filed on 29.05.2023 which was registered as Misc. Case No.34/2023.

(ii) By the impugned order dated 14.05.2024, the delay of 47 days was condoned by the learned Motor Accident Claims Tribunal, Nagaon.

(iii) The impugned order dated 14.05.2024 is contrary to

Section 166(3) of the Act of 1988 and as such set aside and quashed.

(iv) The claim Application be kept on record and be re-registered as a Miscellaneous Application and the learned Motor Accident Claims Tribunal, Nagaon shall do the needful as per the observations made in paragraph No.78 of this judgment.

(M) CRP(IO) No.258/2025

(i) The Accident occurred on 05.08.2022 and the claim Application was filed on 16.08.2023 which was registered as Misc. Case No.64/2023.

(ii) By the impugned order dated 19.03.2025, the delay of 191 days was condoned by the learned Motor Accident Claims Tribunal, Nagaon.

(iii) The impugned order dated 19.03.2025 is contrary to Section 166(3) of the Act of 1988 and as such set aside and quashed.

(iv) The claim Application be kept on record and be re-registered as a Miscellaneous Application and the learned Motor Accident Claims Tribunal, Nagaon shall do the needful as per the observations made in paragraph No.78 of this judgment.

(N) CRP(IO) No.332/2025

(i) The Accident occurred on 05.09.2022 and the claim Application was filed on 17.03.2023 which was registered as Misc. Case No.26/2024.

(ii) By the impugned order dated 29.11.2024, the delay of 11 days was condoned by the learned Motor Accident Claims Tribunal, Nagaon.

(iii) The impugned order dated 29.11.2024 is contrary to Section 166(3) of the Act of 1988 and as such set aside and quashed.

(iv) The claim Application be kept on record and be re-registered as a Miscellaneous Application and the learned Motor Accident Claims Tribunal, Nagaon shall do the needful as per the observations made in paragraph No.78 of this judgment.

(O) CRP(IO) No.339/2025

(i) The Accident occurred on 16.04.2022 and the claim Application was filed on 30.11.2022 which was registered as Misc. (J) Case No.09/2022.

(ii) By the impugned order dated 23.04.2025, the delay of 44 days was condoned by the learned Motor Accident

Claims Tribunal, Morigaon.

(iii) The impugned order dated 23.04.2025 is contrary to Section 166(3) of the Act of 1988 and as such set aside and quashed.

(iv) The claim Application be kept on record and be re-registered as a Miscellaneous Application and the learned Motor Accident Claims Tribunal, Morigaon shall do the needful as per the observations made in paragraph No.78 of this judgment.

ADDITIONAL OBSERVATIONS AND DIRECTIONS

81. This Court would remind the State Government that by virtue of Section 176 of the Act of 1988, power is only conferred upon the State Government to make Rules for the purpose of carrying into effect the provisions of Section 165 to 174 of the Act of 1988 and in particular such Rules shall provide the procedure to be followed by the Claims Tribunal in holding an enquiry under the Chapter. The Assam Rules of 2003 are required to be revisited in view of the Amending Act as well as Annexure XIII of the Rules of 1989, more so when the Assam Rules of 2003 were framed at a time when Section 166(3) of the Act of 1988 was not there.

This Court hopes and expects that the State of Assam shall

do the needful.

82. This Court further directs that till the Assam Rules of 2003 are revisited upon, the procedure delineated at paragraph No.78 herein above, shall be followed by the Claims Tribunal under the supervisory jurisdiction of the Gauhati High Court.

83. The Registry is directed to circulate a copy of the instant judgment to the all the Motor Accident Claims Tribunals within the jurisdiction of this Court, for due compliance.

84. All applications stands accordingly disposed. No costs.

JUDGE

Comparing Assistant