



CGHC010247082026



2026:CGHC:28199

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CR No. 152 of 2026**

S.B.I. General Insurance Company Limited Branch Office 4th Floor, Pujari Chambers, Dhamtari Road Raipur, Raipur District Raipur (C.G.) (Insurance Company)

... Applicant**versus**

1 - Smt. Baisakhin Bai Markam W/o Late Dashrath Markam Aged About 56 Years

2 - Ku.Dineshwari Markam S/o Late Dashrath Markam, Aged About 22 Years All Caste Gond, R/o Barkai Chowki Dudhawa, Tehsil Sarona, U.B. Kanker (C.G.)

3 - Driver Chhatrapal Netam S/o Late Jangal Singh Aged About 34 Years R/o Village Kalmipara, Thana Dudhawa, Tehsil Sarona, U.B. Kanker (C.G.)

4 - Owner Umesh Kumar Markam S/o Sukhlal Markam R/o Village Kalmipara, Thana Dudhawa, Tehsil Sarona, U.B. Kanker (C.G.)

... Respondents

For Applicant : Mr. KPS Gandhi, Advocate.

For Respondents : None.

Hon'ble Shri Justice Naresh Kumar Chandravanshi, J

Order on Board

(08th July, 2026)

This revision has been preferred under Section 115 of Code of Civil Procedure (for brevity "CPC") challenging the order dated 20.4.2026 passed by First Upper Motor Accident Claims Tribunal, Kanker, Distt. Kanker in

MACT No.6/2026 whereby application filed by the respondents No. 1 & 2/claimants under Section 5 of the Limitation Act has been allowed and application filed by the applicant/insurance company under Order 7 Rule 11 read with Section 151 of CPC and Section 166(3) of the Motor Vehicles Act, 1988 (in short "the Act of 1988") has been rejected.

02. Learned counsel for the applicant would submit that respondents No. 1 & 2/claimants filed an application under Section 166 of the Act of 1988 before the First Upper Motor Accident Claims Tribunal, Kanker, Distt. Kanker on account of death of their husband/father respectively namely Dashrath Ram Markam in a motor accident which took place on 14.6.2025 and he died on 17.6.2025. Since the claimants filed application under Section 166 of the Act of 1988 on 1.1.2026, they filed aforesaid claim application along with an application under Section 5 of the Limitation Act for condoning the delay of 18 days in filing the claim application whereas the applicant/insurance company (non-applicant therein) filed an application under Order 7 Rule 11 read with Section 151 of CPC and Section 166(3) of the Act of 1988 on the ground that the aforesaid application under Section 166 of the Act of 1988 has been filed with a delay of 18 days, therefore, it is liable to be dismissed as being barred by limitation.

03. Learned counsel for the applicant further submits that the learned Tribunal has rejected the application of the applicant/insurance company quoting the provisions of *Jan Vishwas* (Amendment of Provisions) Act, 2026 in which it has been proposed to incorporate a proviso in Section 166, after sub-section (3) of the Act of 1988, to extend the period of filing claim application subject to claimant showing sufficient cause for such delay to the satisfaction of the Tribunal. But the proposed amendment has not come into

effect as it has not been made effective by the Central Government. Despite that the application filed by the applicant/insurance company has been rejected and the application filed by the claimants has been allowed which is wholly perverse and illegal. Hence he prays that this revision may be allowed and the impugned order dated 20.4.2026 passed by the Tribunal be set aside.

04. Heard learned counsel for the applicant and perused the material available on record.

05. The Central Government has published a Gazette Notification dated 8.4.2026 proposing amendment in Section 166 of the Act of 1988 by *Jan Vishwas (Amendment of Provisions) Act, 2026*. By way of aforesaid proposed amendment, the following proviso is to be incorporated in Section 166 after sub-section (3) of the Act of 1988 -

“Provided that the Claims Tribunal may entertain an application for compensation after the expiry of the said period of six months from the date of occurrence of the accident, but within a further period not exceeding twelve months, if it is satisfied that the applicant was prevented by sufficient cause from making an application within such period.”

As per Section 1(2) of the aforesaid proposed Amendment Act, it (proposed amendment) shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for amendments relating to different enactments mentioned in the Schedule.

06. Learned counsel for the applicant informed the Court that the aforesaid

amendment has not been made effective by the Central Government as no notification has been issued in this regard. On being enquired also, it was found that the aforesaid proposed amendment has not yet been made effective by the Central Government. Therefore, rejection of the application filed by the applicant/insurance company on the ground of an ineffective amendment is perverse and not legally sustainable.

07. Indisputably, the application under Section 166 of the Act of 1988 was filed by the respondents/claimants after six months from the date of accident, as such their application is barred by limitation as provided in Section 166(3) of the Act of 1988. However, the Hon'ble Supreme Court in the matter of ***ICICI Lombard General Insurance Company Ltd. Vs. Ayiti Navaneetha and others (Special Leave to Appeal (C) Nos. 8412-8413/2023 and connected matters)*** vide order dated 4.11.2025, specifically observed that the Tribunals and the High Courts shall not dismiss claim cases on the ground that such cases are barred by limitation under Section 166(3) of the Act of 1988. The similar issue is also pending consideration before the Hon'ble Supreme Court in ***Bhagirathi Dash Vs. Union of India and another (Writ Petition (Civil) No.166/2024)***. Thus, it is explicit that the subject issue is pending consideration before the Hon'ble Apex Court.

08. In view of the aforesaid judgments of the Hon'ble Supreme Court and considering the submission of the applicant, instead of keeping the present revision pending, without entering into the merits of the case, the same is disposed of directing the concerned Claims Tribunal to proceed in the concerned claim case in accordance with law, however, no final order shall be passed until the issue of limitation is finally adjudicated by the Hon'ble Apex Court in the afore-cited cases or in other similar cases.

09. It is also observed that in the eventuality of any subsequent development or authoritative pronouncement by the Hon'ble Supreme Court in respect of the subject issue, it shall be open to either party to bring the same to the notice of the concerned Tribunal, which shall thereafter proceed to pass appropriate orders strictly in accordance with law and in consonance with such pronouncement.

10. With the aforesaid observation and direction, this revision petition stands disposed of.

11. Pending application(s), if any, also stands disposed of.

**Sd/
(Naresh Kumar Chandravanshi)
Judge**