



2026:AHC-LKO:21680

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 2300 of 2026

Shivam Chaurasiya

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Deptt. Home Lko.
And 6 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Manoj Sharma, Divya Singh, Pooja Singh, Rohit Kumar Tripathi
Counsel for Respondent(s)	: C.S.C.

Court No. - 8

HON'BLE JASPREET SINGH, J.

Heard learned counsel for the petitioner. Notice on behalf of respondent nos.1, 2 and 3 has been accepted by the office of Chief Standing counsel.

By means of the instant petition, the petitioner prays for following reliefs:

"(a) Issue a writ in the nature of mandamus thereby direct the opposite party no.04 to call the police report from the opposite party no.3 in the FIR No.0328 of 2025 under Section 125(A), 125(b), 281 dated 20.08.2025 registered at Police Station Mohanlalganj, District Lucknow, Uttar Pradesh and registered it as a Claim petition and then take steps as prescribed under Rule 204(A) of Uttar Pradesh Motor Vehicle Act, 1988 read with Section 159 & Section 166(4) of Motor Vehicle Act, 1988 as amended with effect from 01.04.2022 in the interest of justice.

(b) Issue a writ, order or direction in the nature of Mandamus, thereby direct the opposite party no.2 to follow the mandate of Section 159 & Section 166(4) of Motor Vehicle Act, 1988 has to be considered before rejecting the claim petition no.6454 of 2025 Shivam Chaurasiya vs Rajesh Dogra & Others file by the claimant under Section 166(3) of Motor Vehicle Act on grounds of limitation as per guideline issued on 24.03.2023 by this Hon'ble Court in the Writ C No.8262 of 2023 Smt. Jyoti & Another V. Motor Accident Tribunal & Another in the interest of justice."

Having heard learned counsel for the petitioner and from the contents of the petition, it appears that the grievance of the petitioner is confined to a limited prayer, at this stage, that the claim petition of the petitioner under Section 166 of the Motor Vehicles Act, 1988 is not being registered as it is delayed.

The record indicates that the petitioner suffered an accident on 11.10.2024

where the petitioners sustained grievous injuries. This led to his medical treatment and hospitalization due to which, FIR could not be lodged promptly which was registered on 20.08.2025 and it is in this context that when the petitioner filed his petition the tribunal has not registered the case, compelling the petitioner to approach this Court.

This may not detain this Court for long as a coordinate Bench of this Court in Writ C No.8262 of 2023 had already taken note of this aspect of the matter and vide its judgment and order dated 24.03.2023 it held as under:

"20. Scope of Section 166(3) which empowers the claimant to apply under Section 166(3) within 6 months on conjoint reading with Section 166(4) of the Act and on the basis of analysis referred above, has to be referable to cases of motor accidents in which no FIR could be registered for any reason or where he chooses to file a claim before the Police Authorities send the report to the Claims Tribunal.

21. In the present case, the Tribunal has not considered this aspect and has failed to record any material fact in respect of the accident report being on record and/or steps taken thereon by the Tribunal in terms of Rule 204 A and has proceeded to reject the claim petition ignoring the said aspect, as such, the impugned order dated 27.01.2023 is not sustainable and is liable to be set aside.

22. The Claims Tribunal is directed to process and decide the claim in accordance with law as it was the duty of the Police Officer investigating the accident to sent the information and it was also mandatory on the Claims Tribunal to accept the said report as a claim application which appears to have not been done, for no fault of the petitioner.

23. In case the police officer has failed to fill/send his report, the Tribunal will be well within its powers to call for the same and register it as a Claim Petition and then take steps as prescribed under Rule 204A of the Rules.

24. Thus, the order dated 27.01.2023 is set aside. It is further directed for guidance of Tribunals functioning under the Act, that the mandate of Section 159 and Section 166(4) of the Act has to be considered before rejecting any claim application under section 166 (3) of the Motor Vehicles Act on grounds of limitation.

25. The writ petition stands allowed.

26. The Registrar General is directed to forward a copy of this judgment to all the Claims Tribunal functioning in the State of U.P. "

It will also be relevant to point out that the Apex Court also took note of this aspect of the matter in the case of **ICICI Lombard General Insurance Co.**

Ltd v. Ayiti Navaneetha & Ors; Special Leave to Appeal (C) No.8412-8413/2023 and the relevant portion of the same reads as under:

"5. It is made clear that during the pendency of these petitions, the tribunal or the High Courts shall not dismiss the claim petitions on the ground of such petitions as barred by limitation as prescribed under sub-Section (3) or Section 16(3) of the Motor Vehicles Act, 1988."

In view of the aforesaid, where the Apex Court has already directed that the claim petitions shall not be dismissed on the ground of limitation, in such circumstances, it was not open for the tribunal to have not registered the case.

In view of the aforesaid, the petition is **allowed**.

The respondent no.2/Motor Accident Claims Tribunal, South Lucknow shall registered the claim petition of the petitioner and proceed in accordance with law.

March 26, 2026
Harshita

(Jaspreet Singh,J.)