

**IN THE SUPREME COURT OF INDIA**  
**CIVIL ORIGINAL JURISDICTION**  
**WRIT PETITION (CIVIL) NO. \_\_\_\_\_ OF 2025**  
**PUBLIC INTEREST LITIGATION**

(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)

**IN THE MATTER OF:**

XYZ, ...Petitioner

VERSUS

Union of India,

Through the Secretary,

Ministry of Road Transport and Highways, ...Respondent

To,

The Hon'ble Chief Justice of India

& His Companion Judges of this Hon'ble Court

Humble civil appeal on behalf of the Appellants above-named:

**MOST RESPECTFULLY SHOWETH:**

1. The present Public Interest Litigation is filed under Article 32 of the Constitution of India, seeking to protect the rights of road accident victims and their dependents. The Petitioner challenges the constitutional validity of the proviso inserted to sub-section (3) of Section 166 of the Motor Vehicles Act, 1988, by the Motor Vehicles (Amendment) Act, 2019, which restricts the filing of compensation claims before the Motor Accident Claims Tribunal to six months from the date of the accident.

2. The said proviso reads as follows:

“No application for compensation shall be entertained unless it is made within six months of the occurrence of the accident.”

3. The proviso has resulted in the dismissal of numerous claims filed by accident victims and their families solely on the ground of limitation, thereby defeating the beneficial and welfare object of the Motor Vehicles Act.

**BRIEF FACTS OF THE CASE:**

A. The Petitioner is a social activist working for the welfare and rights of road accident victims and their families, involved in providing legal aid and assistance to claimants before Motor Accident Claims Tribunals across various States.

B. The Motor Vehicles (Amendment) Act, 2019 inserted a proviso under Section 166(3) of the Motor Vehicles Act, 1988, effective from 01.04.2022, which reads as follows:

“No application for compensation shall be entertained unless it is made within six months of the occurrence of the accident.”

C. Prior to the amendment, there was no limitation period for filing claims under Section 166. This legislative policy ensured that victims were not denied compensation due to procedural or financial constraints.

D. By reintroducing a strict limitation, the legislature has ignored the socio-economic conditions of victims, particularly those from weaker sections, who may not be aware of legal procedures, or are incapacitated due to the trauma of the accident or loss of earning members.

E. Moreover, Section 159 mandates the Police Officer to prepare and submit an Accident Information Report to the Claims Tribunal within three months, which is rarely adhered to. Consequently, victims are unable to file timely claims through no fault of their own.

F. The impugned proviso has resulted in dismissal of numerous genuine claims across the country, thereby defeating the very object of the Act to provide just and fair compensation to road accident victims.

**4. Source of Information:** The Petitioner relies on Acts, Amendment Act, Rules and Amendment Rules passed by Parliament, published in Official Gazette through ordinances by the Central Government, Acts, amendment Acts, Rules and Amendment Rules passed by the state governments and published in official gazette.

**5. Details of Remedies Exhausted:** The Petitioners have not approached any court of authority for remedy against the issues raised in this Petition. That the Petitioner does not have any alternative equally efficacious remedy other than to approach this Hon'ble Court than by way of filing this writ petition under Article 32 of the Constitution of India.

**6. Nature of Personal Interest, if any, of the Petitioner:** The Petitioners have no personal interest in this Petition and it is being filed in Public Interest.

7. That the Petitioners have not filed any other writ petition same or similar to the present writ petition, neither in this Hon'ble Court nor in any other Court or forum across the land.

8. The Petitioner declares that the issue raised was neither dealt with nor decided by a Court of law at the instance of the petitioner or to the best of his knowledge, at the instance of any other person.

9. The Petitioners have not approached any authority for relief for the subject matter of this petition.

11. That the Petitioner is filing the instant Writ Petition inter alia on the following amongst other grounds:

## **GROUND**S

1. That proviso is arbitrary and unreasonable as it creates an inflexible bar to seek compensation, treating unequal equally, and disregarding the trauma and circumstances of victims. The deletion of limitation in 1994 was a conscious legislative choice to remove hardship; its reintroduction is irrational and retrogressive.
2. That right to claim compensation for loss of life or injury is an integral part of Article 21. Imposing a six-month limitation, without any provision for condonation of delay, effectively denies victims their right to legal remedy and livelihood.
3. The Motor Vehicles Act is a beneficial legislation intended to protect victims of road accidents. Courts have consistently held that such statutes must be interpreted liberally in favour of victims. The impugned proviso defeats this legislative intent.
4. That the Section 159 mandates police to file Accident Information Reports within three months, delays in compliance mean that many victims receive requisite information too late to file within six months. Penalizing victims for administrative delays is manifestly unjust.
5. That proviso creates an unreasonable classification between victims who can afford to file within six months and those who cannot due to socio-economic or logistical constraints. The classification bears no rational nexus with the object of the Act.

## **12. INTERIM RELIEF**

Pending disposal of this Petition, the Petitioner prays that this Hon'ble Court may kindly:

Direct all Motor Accident Claims Tribunals across India to accept and register claims filed beyond six months, subject to final outcome of this writ petition.

## **13. PRAYER**

In light of the aforesaid, the Petitioner most respectfully prays that this Hon'ble Court may be pleased to:

- a. Issue a writ of Mandamus or any other appropriate writ declaring that the proviso of sub-section (3) of Section 166 of the Motor Vehicles Act, 1988 (as inserted by the Motor Vehicles (Amendment) Act, 2019) as unconstitutional, ultra vires, and violative of Articles 14 and 21 of the Constitution of India;
- b. Issue a writ of mandamus or appropriate direction as the nature and circumstances of the present case may require;

AND FOR THIS ACT OF KINDNESS THE APPELANT AS DUTY BOUND  
SHALL EVER PRAY

FILED BY:

[Name of Advocate-on-Record]

Advocate for the Petitioner

Supreme Court of India

DRAWN & FILED ON: [Date]

PLACE: