2026:AHC-LKO:16879

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 12432 of 2025

Vansh Nigam and another

.....Petitioner(s)

Versus

Workmens Compensation Commissioner/Collector Lakhimpur Kheri and 3 others

.....Respondent(s)

Counsel for Petitioner(s)	:	Deo Raj Singh,
Counsel for Respondent(s)	:	C.S.C., Aprajita Bansal, Neerav Chitravanshi

Reserved On: 04.02.2026
Delivered On: 27.02.2026

Court No. - 17

HON'BLE SUBHASH VIDYARTHI, J.

1. Heard Sri Deo Raj Singh, Advocate, the learned counsel for the petitioner and Ms. Aparajita Bansal, Advocate, the learned counsel for the opposite parties.

2. The instant writ petition filed under Article 226 of the Constitution of India has been filed by the petitioners namely (i) Vansh Nigam, aged about 19 years, S/o Late Indresh Kumar and (ii) Khushi Nigam, aged about 17 years, minor daughter of Late Indresh Kumar, through her brother and guardian Vansh Nigam, aged about 19 years, challenging the validity of an order dated 05.06.2025 passed by the Collector, Lakhimpur Kheri, in Case No. 673 of 2024 under Section 6 of the Public Liability Insurance Act, 1991 rejecting the petitioners' claim under Section 6 of the Public Liability Insurance Act 1991.

3. Briefly stated, facts of the case are that the petitioners' father, Indresh Kumar expired on 28.04.2015 due to electrocution while he was merely 30 years of age. He used to run a beetle shop cum provision store and also used to do cultivation. His income was Rs.20,000/- per month and he was the sole earning member of his family. At the time death of their father, the petitioners were aged 9 years and 7 years respectively.

4. When the petitioner no. 1 attained majority and the petitioner no. 2 was still a minor aged 16 years, they filed an application under Section 6 (3) of the Public Liability Insurance Act, 1991 before the Prescribed Authority / Collector, Kheri for claiming compensation under the aforesaid Act. The opposite parties filed a written statement stating that no claim under Section 6(3) of the aforesaid Act can be filed after the expiry of 5 years since the date of the accident and, therefore, the suit is time-barred.

5. Upon this, the petitioners filed an application under Section 14 of the Limitation Act, 1963 stating that they had filed a Miscellaneous Case No. 3 of 2016, under Order XXXIII, Rule 1 CPC for permission to file a suit in forma pauperis. That suit was dismissed in default on 25.11.2023. After the petitioner no.1 attained majority, he has filed the application under Section 6(3) of the Public Liability Insurance Act without any further delay.

6. The Prescribed Authority / Collector has rejected the application by the impugned order dated 05.06.2025 holding that an application under Section 6(3) of the Public Liability Insurance Act can be entertained only within a period of 5 years since the date of the accident. The application under Section 14 of the Limitation Act has been filed belatedly, and therefore, the same cannot be allowed.

7. Challenging the validity of the aforesaid order, the learned counsel for the petitioner has placed reliance on the judgments of the Hon'ble Supreme Court in the cases of **Laxmi Engineering Works Vs. P.S.G.**

Industrial Institute: (1995) 3 SCC 583 and **M/s Consolidated Engg. Enterprises Vs. Principal Secy. Irrigation Deptt. and others**: 2008 (7) SCC 169, which are on the point of applicability of Section 14 of the Limitation Act.

8. *Per contra*, Ms. Aprajita Bansal, the learned counsel for the opposite party has submitted that Section 6(3) of the Public Liability Insurance Act, 1991 permits entertaining applications under Section 6(1) within a period of five years from the date of accident and it does not contain any provision for condonation of delay for filing of application. She has submitted that the impugned order does not suffer from any illegality.

9. Before proceeding to examine the validity of the impugned order, it would be appropriate to have a look at some relevant provisions of the Public Liability Insurance Act, 1991, which are being reproduced below:

> ***"5. Verification and publication of accident by Collector.-*** *Whenever it comes to the notice of the Collector that an accident has occurred at any place within his jurisdiction, he shall verify the occurrence of such accident and cause publicity to be given in such manner as he deems fit for inviting applications under sub-section (1) of Section 6.*
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> ***6. Application for claim for relief****.—(1) An application for claim for relief may be made—*
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> *(a) by the person who has sustained the injury;*
>
> *(b) by the owner of the property to which the damage has been caused;*
>
> *(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 such person or owner of such property 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 relief, 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.

(1-A) Where any damage has been caused to any public property or private property due to manufacture, processing, treatment, package, storage, transportation, use, collection, destruction, conversion, transfer or such other processes, of such hazardous substance, an application for claim for restoration of the property may be made by the owner of the property or such other person, as may be prescribed, to the Collector.

(2) Every application under sub-section (1) shall be made to the Collector and shall be in such form, contain such particulars and shall be accompanied by such documents as may be prescribed.

(3) No application for relief shall be entertained unless it is made within five years of the occurrence of the accident."

7. Award of relief.*—(1) On receipt of an application under sub-section (1) of Section 6, the Collector shall, after giving notice of the application to the owner and after giving the parties an opportunity of being heard, hold an inquiry into the claim or, each of the claims, and may make an award determining the amount of relief which appears to him to be just and specifying the person or persons to whom such amount of relief shall be paid.*

(2) The Collector shall arrange to deliver copies of the award to the parties concerned expeditiously and in any case within a period of fifteen days from the date of the award.

(3) When an award is made under this section,—

(a) the insurer, who is required to pay any amount in terms of such award and to the extent specified in sub-section (2-B) of Section 4, shall, within a period of thirty days of the date of announcement of the award, deposit that amount in such manner as the Collector may direct;

(b) the Collector shall arrange to pay from the Relief Fund, in terms of such award and in accordance with the scheme made under

Section 7-A, to the person or persons referred to in sub-section (1) such amount as may be specified in that scheme;

(c) the owner shall, within such period, deposit such amount in such manner as the Collector may direct.

(4) In holding any inquiry under sub-section (1), the Collector may, subject to any rules made in this behalf, follow such summary procedure as he thinks fit.

(5) The Collector shall have all the powers of a Civil Court for the purpose of taking evidence on oath and of enforcing the attendance of witnesses and of compelling the discovery and production of documents and material objects and for such other purposes as may be prescribed; and the Collector shall be deemed to be a Civil Court for all the purposes of Section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

(6) Where the insurer or the owner against whom the award is made under sub-section (1) fails to deposit the amount of such award within the period specified under sub-section (3), such amount shall be recoverable from the owner, or as the case may be, the insurer as arrears of land revenue or of public demand.

(7) A claim for relief in respect of death of, or injury to, any person or damage to any property shall be disposed of as expeditiously as possible and every endeavour shall be made to dispose of such claim within three months of the receipt of the application for relief under sub-section (1) of Section 6.

(8) Where an owner is likely to remove or dispose of his property with the object of evading payment by him of any amount of the award, the Collector may, in accordance with the provisions of Rules 1 to 4 of Order XXXIX of the First Schedule to the Code of Civil Procedure, 1908 (5 of 1908), grant a temporary injunction to restrain such act.

(9) Where the environment is affected or damaged due to manufacture, processing, treatment, package, storage, transportation, use, collection, destruction, conversion, transfer or such other processes, of such hazardous substance, the Central Government may, on an application made by the Central Pollution Control Board or the State Pollution Control Board, as the case may be, allocate the fund from the Environmental Relief Fund for restoration of the damage so caused in the manner as may be prescribed."

10. In exercise of the powers conferred by Section 23 of the Public Liability Insurance Act, 1991, the Central Government has framed the Public Liability Insurance Rules, 1991, Rule 5 whereof is as follows:

> ***“5. Powers of Collector****.—(i) The Collector may follow such summary procedure for conducting an inquiry on an application for relief under the Act, as he thinks fit.*
>
> *(ii) The Collector shall have all the powers of a Civil Court for the following purposes namely:—*
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> *(a) summoning and enforcing the attendance of any person and examining him on oath.*
>
> *(b) requiring the discovery and production of documents;*
>
> *(c) receiving evidence on affidavits;*
>
> *(d) subject to the provisions of Sections 123 and 124 of the Indian Evidence Act, 1872, requisitioning any public record or document or copy of such record or document from any office;*
>
> *(e) issuing commissions for the examining of witness or documents;*
>
> *(f) dismissing an application for default or proceeding ex-parte;*
>
> *(g) setting aside any order of dismissal of any application for default or any order passed by it ex parte;*
>
> *(h) inherent powers of a civil court preserved under Section 151 of the Code of Civil Procedure, 1908.”*

11. It is also important to note that there is no provision in the Public Liability Insurance Act which prohibits applicability of the Limitation Act to proceedings under the Act.

12. Section 5 of the Public Liability Insurance Act casts a statutory duty upon the Collector that upon coming to know about the occurrence of an accident, he should himself verify the occurrence of such accident and thereafter he should invite applications under Section 6(1) of the Act

for claiming relief under the Act by making a proper publication. There is nothing on record to indicate that the Collector has performed this statutory duty by making any publication inviting applications after the accident in which the petitioners aged 9 and 7 years had lost their father.

13. As the Public Liability Insurance Act is a special Act, Section 6(3) whereof provides the limitation period of five years for filing an application under Section 6(1) of the Act, which is different from the limitation period of three years prescribed by the Schedule for suits claiming money decrees, the provisions of Section 3 shall apply as if the period of five years was the period prescribed by the Schedule under the Limitation Act and for the purpose of determining any period of limitation prescribed for an application under Section 6(1) of the Public Liability Insurance Act, the provisions contained in sections 4 to 24 shall apply as they are not expressly excluded by any provision of the Public Liability Insurance Act.

14. One more aspect needs to be examined, and that is that the Limitation Act normally applies to Courts and not Tribunals. In this regard, it becomes important to keep in mind the provisions of Section 7 (5) of the Public Liability Insurance Act, which provides that the Collector shall have all the powers of a Civil Court for the purpose of taking evidence on oath and of enforcing the attendance of witnesses and of compelling the discovery and production of documents and material objects and for such other purposes as may be prescribed; and the Collector shall be deemed to be a Civil Court for all the purposes of Section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974). The most important thing is that Rule 5 (ii) (h) of the Public Liability Insurance Rules, 1991, provides the Collector shall have the inherent powers of a civil court under Section 151 of the Code of Civil Procedure, 1908. The Civil Courts' inherent powers under Section 151 C.P.C. are not conferred upon tribunals and it is the single most important feature which indicates that while performing adjudicatory functions under the Public Liability Insurance Act, the Collector

functions as a Court so as to make the provisions of the Limitation Act applicable to it.

15. In the case of **Vijay Madanlal Choudhary v. Union of India**, 2022 SCC OnLine SC 929, the Hon'ble Supreme Court referred to a King's Bench judgment in the case of *Seaford Court Estates ld.*, which is as follows: -

> "***274.*** *We may profitably advert to the judgment in* Seaford Court Estates ld. *[1949] 2 K.B. 481, which states:*
>
> "*…**A judge, believing himself to be fettered by the supposed rule that he must look to the language and nothing else, laments that the draftsmen have not provided for this or that, or have been guilty of some or other ambiguity. It would certainly save the judges trouble if Acts of Parliament were drafted with divine prescience and perfect clarity. In the absence of it, when a defect appears a judge cannot simply fold his hands and blame the draftsman. He must set to work on the constructive task of finding the intention of Parliament, and he must do this not only from the language of the statute, but also from a consideration of the social conditions which gave rise to it, and of the mischief which it was passed to remedy, and then he must supplement the written word so as to give "force and life" to the intention of the legislature.** That was clearly laid down by the resolution of the judges in* Heydon's case, *(1584) 3 Co. Rep. 7a, and it is the safest guide today. Good practical advice on the subject was given about the same time by Plowden in his second volume* Eyston *v.* Studd *(1574) 2 Plowden 465.* ***Put into homely metaphor it is this: A judge should ask himself the question: If the makers of the Act had themselves come across this ruck in the texture of it, how would they have straightened it out? He must then do as they would have done. A judge must not alter the material of which it is woven, but he can and should iron out the creases."*** *(Emphasis added)*

16. The Public Liability Insurance Act is a beneficial legislation which has been enacted to provide for public liability insurance for the purpose of providing immediate relief to the persons affected by accidents covered under the provisions of the Act. Section 5 of the Public Liability Insurance Act casts a statutory duty upon the Collector

that upon coming to know about the occurrence of an accident, he should himself verify the occurrence of such accident and thereafter he should invite applications under Section 6(1) of the Act for claiming relief under the Act by making a proper publication. Therefore, its provisions should be interpreted in a manner which would be in consonance with the object of the Act. It could never have been the intention of the framers of the Public Liability Insurance Act that the benefits under the Act will be denied to minor children of a deceased victim of an accident merely because they were minors and due to this legal disability, they could not file the application within that period and when they filed the application immediately after attaining majority, the limitation period of five years mentioned in Section 6(3) of the Act had expired.

17. Therefore I hold that the Prescribed Authority / Collector acts as a Court and applicability of the provisions of the Limitation Act, 1963 to an application under Section 6(1) of the Public Liability Insurance Act is not barred.

18. Now I proceed to examine certain relevant provisions of the Limitation Act, which are being reproduced below: -

"Section 6 - Legal disability

(1) Where a person entitled to institute a suit or make an application for the execution of a decree is, at the time from which the prescribed period is to be reckoned, a minor or insane, or an idiot, he may institute the suit or make the application within the same period after the disability has ceased, as would otherwise have been allowed from the time specified therefore in the third column of the Schedule.

(2) Where such person is, at the time from which the prescribed period is to be reckoned, affected by two such disability, or where, before his disability has ceased, he is affected by another disability, he may institute the suit or make the application within the same period after both disabilities have ceased, as would otherwise have been allowed from the time so specified.

(3) Where the disability continues up to the death of that person, his legal representative may institute the suit or make the application within the same period after the death, as would otherwise have been allowed from the time so specified.

(4) Where the legal representative referred to in sub-section (3) is, at the date of the death of the person whom he represents, affected by any such disability, the rules contained sub-sections (1) and (2) shall apply.

(5) Where a person under disability dies after the disability ceases but within the period allowed to him under this section, his legal representative may institute the suit or make the application within the same period after the death, as would otherwise have been available to that person had he not died.

Explanation.--For the purposes of this section, 'minor' includes a child in the womb."

Section 7 - Disability of one of several persons

Where one of several persons jointly entitled to institute a suit or make an application for the execution of a decree is under any such disability, and a discharge can be given without the concurrence of such person, time will run against them all; but, where no such discharge can be given, time will not run as against any of them until one of them becomes capable of giving such discharge without the concurrence of the others or until the disability has ceased.

Explanation I.-- This section applies to a discharge from every kind of liability, including a liability in respect of any immovable property.

Explanation II.-- For the purposes of this section, the manager of a Hindu undivided family governed by the Mitakshara law shall be deemed to be capable of giving a discharge without the concurrence of the other members of the family only if he is in management of the joint family property.

Section 8 - Special exceptions

Nothing in section 6 or in section 7 applies to suits to enforce rights of pre-emption, or shall be deemed to extend, for more than three *years from the cessation of the disability or the death of the person affected thereby, the period of limitation for any suit or application."*

Section 29 - Savings

(1) Nothing in this Act shall affect section 25 of the Indian Contract Act, 1872 (9 of 1872).

(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 in so far as, and to the extent to which, they are not expressly excluded by such special or local law****.*

(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.

(4) Section 25 and 26 and the definition of "easement" in section 2 shall not apply to cases arising in the territories to which the Indian Easements Act, 1882 (5 of 1882), may for the time being extend."

19. In **Bhakra Beas Management Board v. Excise & Taxation Officer**: (2020) 17 SCC 692, the Hon'ble Supreme Court held that the provisions contained in Section 29(2) of the Limitation Act would be attracted where there is no express exclusion or by implication.

20. In **Consolidated Engg. Enterprises v. Irrigation Deptt.** (supra) it was held that: -

"20. Section 29(2) of the Limitation Act inter alia provides that where any special or local law prescribes for any suit, appeal or application a period of limitation different from the period of limitation prescribed by the Schedule, the provisions of Section 3 shall apply as if such period was 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 shall apply only insofar as, and to the extent, they are not expressly excluded by such special or local law....”

21. As the petitioners were minors at the time of the accident in which they lost their father, they certainly have the right to file the application within a period of three years after attaining majority, as per the provisions contained in Sections 6 and 8 of the Limitation Act.

22. It is also to be kept in mind that at the time of the accident, the petitioners were children aged 9 and 7 years and due to legal disability they could not file an application for claiming compensation for death of their father and for their failure to file an application during their disability due to minority, the Collector has rejected their application as barred by limitation period whereas the Collector himself is guilty of non-performance of his statutory duty under Section 5 of the Public Liability Insurance Act which requires that after coming to know about the occurrence of an accident, the Collector should himself verify the occurrence of an accident and thereafter he should invite applications under Section 6(1) of the Act for claiming relief under the Act by making a proper publication.

23. Therefore, the Collector has committed a legal error in dismissing the application under Section 6(1) of the Public Liability Insurance Act as barred by the period of limitation of five years as provided in Section 6(3) of the Act.

24. In view of the foregoing discussion, the writ petition is ***allowed***. The impugned order dated 05.06.2025 passed by the District Magistrate / Collector Lakhimpur Kheri in Case No. 673 of 2024 under Section 6 of the Public Liability Insurance Act, 1991 , rejecting the petitioners’ claim under Section 6 of the Public Liability Insurance Act 1991 as time barred, is quashed. The matter is remanded to the Prescribed Authority / Collector Lakhimpur Kheri for being decided afresh on its merits in accordance with the law, expeditiously, without granting any

unnecessary adjournment to any of the party keeping in view the provision contained in Section 7(7) of the Public Liability Insurance Act, which mandates that a claim for relief in respect of death of any person shall be disposed of as expeditiously as possible and every endeavour shall be made to dispose of such claim within three months of the receipt of the application for relief under sub-section (1) of Section 6.

(Subhash Vidyarthi,J.)

February 27, 2026
Ram.