

**IN THE COURT OF III ADDL. JUDGE AND MOTOR  
ACCIDENT CLAIMS TRIBUNAL, COURT OF SMALL  
CAUSES, BENGALURU (SCCH-18)**

**Dated : This the 1<sup>st</sup> day of April 2025**

Present: **DHANESH MUGALI**  
**B.Com., LL.B.,(Spl.)**  
III ADDL. JUDGE & MEMBER, MACT  
COURT OF SMALL CAUSES,  
BENGALURU.

**MVC.20/2024**

Petitioner : Smt. P.M. Nandini  
D/o P.S. Manjunatha,  
aged about 32 years,  
residing at:  
No.12, Nisarga layout,  
N.H-75, Service road,  
Old Madras road,  
Behind HP Petrol bunk,  
Hosakote Town 562 114.  
Bengaluru Rural District.  
**(By Sri.Krishnamurthy V. Advocate)**  
**V/s**

Respondents : 1. M/s IFFCO Tokio General Insurance  
Co. Ltd., Regd. Office:  
IFFCO Sadan C1 Dist, Centre,  
Saket, New Delhi 110 017.

**Service office situated at:**

M/s IFFCO Tokio General Insurance  
Co. Ltd. Samrudhi Shrushti Building,  
1<sup>st</sup> floor, 5<sup>th</sup> Cross, 1<sup>st</sup> Main road,  
T.G. Extension, Hosakote Town-562114  
Bengaluru Rural District.

**(By Sri.T. Ramesh, Advocate)**

2. Sri. P.S. Manjunatha,  
S/o late P. Srinivasa Reddy,  
residing at: No.12,  
Old Madras road,  
behind HP Petrol bunk,  
Hosakote Town 562114  
Bengaluru Rural District.  
**(Exparte)**

\* \* \* \* \*

Applicant/  
Respondent  
No.1 : M/s IFFCO Tokio General Insurance  
Co. Ltd., Regd. Office:  
IFFCO Sadan C1 Dist, Centre,  
Saket, New Delhi 110 017.  
**Service office situated at:**  
M/s IFFCO Tokio General Insurance  
Co. Ltd. Samrudhi Shrushti Building,  
1<sup>st</sup> floor, 5<sup>th</sup> Cross, 1<sup>st</sup> Main road,  
T.G. Extension, Hosakote Town-562114  
Bengaluru Rural District.  
**(By Sri.T. Ramesh, Advocate)**

**V/s**

Opponent/  
Petitioner : Smt. P.M. Nandini,  
D/o P.S. Manjunatha,  
aged about 32 years,  
residing at: No.12, Nisarga layout,  
N.H-75, Service road,  
Old Madras road,  
Behind HP Petrol bunk,  
Hosakote Town 562 114.  
Bengaluru Rural District.  
**(By Sri.Krishnamurthy V. Advocate)**

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Provision under which application is filed	:	Under Order VII Rule 11(d) R/w Sec.151 of CPC
Relief sought for	:	For rejection of Petition
The date of which the application filed	:	13-09-2024
Number of application	:	I.A.No.II
The date on which the objections is filed by different opponents	:	05.10.2024
The date on which the orders was passed on the said application	:	01.04.2025

\* \* \* \* \*

**ORDERS ON I.A.No. II**

The instant application is filed by the applicant/respondent No.1 Under Order VII Rule 11(d) R/w Sec.151 of CPC for rejection of petition as barred by limitation.

2. In the accompanying affidavit it is stated that, the petition is not maintainable either in law or on facts of the case. The petitioner/opponent has filed the above petition U/sec.166 of M.V. Act for claiming compensation on account of injury sustained in R.T.A. The said accident occurred on 07-04-2023. The motor accident claim petition filed on 02-01-2024. The

petition is not filed within limitation period. Hence, prays to dismiss the claim petition as barred by law of limitation.

3. On the other hand, the petitioner/Opponent has filed the Objections contending that, the application is not maintainable either in law or on facts of the case. Further submitted that, she has assigned sufficient reasons in the affidavit as she has suffered the injuries and underwent surgery and after recovering from the injuries, she immediately filed the petition claiming compensation against the respondents along with application for condone the delay by giving sufficient grounds. Hence she could not file the petition well in time. Therefore, prays to reject the application with exemplary costs.

4. Heard on application from both the side.

5. The Points that would arise for my consideration are as under:

1. Whether, the applicant/respondent No.1 has made out sufficient grounds to dismiss the petition Under Order VII Rule 11(d) R/w Sec.151 of CPC?

2. What Order?

6. My findings to the above points are as under;

Point No.1: In the Negative.

Point No.2: As per the final order,  
for the following:

**REASONS**

7. **Point No.1:** The above Petition is filed by the petitioner/opponent Under section 166 of M.V. Act seeking compensation for injuries sustained in road traffic accident.

8. Before filing this application, the stage kept for filing of objections to the I.A.No.1. In the meantime, the applicant/respondent no.1 came up with this application seeking for rejection of the Petition on the ground that, there is a delay of 86 days in filing the petition.

9. I have gone through the materials available on record. Before discussing on merits of the application, it is better to note the provisions of Section 166 of M.V. Act.

***“Section 166 (3) of M.V. ACT - No application for compensation shall be entertained unless it is made within 6 months of the occurrence of the accident.”***

10. The above amended provisions came in to force on 01-04-2022. The learned counsel for applicant/respondent no.1 has argued that, after amendment of M.V. Act the claimant is barred from filing claim petition after lapse of 6 months from the date of accident. In this case also the petitioner/opponent herein has filed the claim petition after lapse of **9 months**. Therefore, prays to dismiss the claim petition.

11. The learned counsel for petitioner / opponent has argued that, the motor vehicle Act is social beneficial legislation. Though the amendment has specified time limit for filing compensation petition, but it is not strictly barred. The claimant was under rest. The delay is not an intentional.

12. Further, Learned counsel for petitioner has relied the decision:-

1) In the case of Mr.Sathy V/s Dilip .I.S. and another in O.P. (MAC) No.51/202 of Hon'ble High Court of Kerala, Ernakulam.

2) 2023 Live Law (Ker) 50, between Akshay Raj V/s Ministry of Law and Justice Legislative Department (OP.(MAC) No.6/2023)

3) The Divisional Manager, United India V/s Ramu @ Ramesh in WP No.201961/2023 before Hon'ble High Court of Karnataka.

In the case of Divisional Manager, United India V/s Ramu @ Ramesh, the Hon'ble High Court of Karnataka held that, ***“The M.V. Act being a beneficial Act, the provisions thereof had to be given beneficial meaning and effect. The benefit under the act cannot be taken away on the technical aspect that too of limitation.”***

13. In this case the petitioner/opponent has stated that, the accident was taken place on 07-04-2023. The claim petition was filed on 02-01-2024.

14. In this case the claimant has stated that after the accident she was hospitalized and was taking continuous follow up treatment for the injuries sustained in R.T.A. Further doctor has suggested to take bed rest. Therefore, she could not approach her counsel. Therefore, by relying the principle laid down in the supra decision, I am of the opinion that Respondent No.1 has not made out sufficient grounds

to allow the application. Accordingly, I have answered Point No.1 in the Negative.

15. **Point No.2**: For the above made discussions, I proceed to pass the following:

**ORDER**

I.A.No.II filed by the applicant /  
respondent No.1 Under Order VII Rule  
11(d) R/w Sec.151 of CPC is hereby  
dismissed.

(Dictated to the stenographer directly on computer,  
then corrected by me and pronounced in the open Court  
on this the 1<sup>st</sup> **day of April 2025**).

**(DHANESH MUGALI)**  
**III ADDL.SMALL CAUSES JUDGE,**  
**MEMBER MACT & ACJM,**  
**BENGALURU.**