

BEFORE THE COURT OF I ADDL. SMALL CAUSES JUDGE & ACJM &  
MOTOR VEHICLES ACCIDENT CLAIM TRIBUNAL, BENGALURU.  
(SCCH-11)

DATED THIS THE 01<sup>ST</sup> DAY OF AUGUST - 2025

PRESENT: SRI.NARENDRA.B.R., B.Sc, L.L.B.  
I ADDL. SMALL CAUSES JUDGE & ACJM  
& MEMBER - MACT

M.V.C NO.269/2025

PETITIONER : Prasanna Kumar

Vs

RESPONDENTS : Balachandar T and another

PARTIES TO I A NO.I

APPLICANT : Prasanna Kumar  
..... Petitioner

Vs

OPPONENT : Balachandar T and another  
..... Respondents

ORDER ON I.A NO.I

I A No.I is filed by the petitioner, along with the petition, seeking to condone the delay caused in filing the petition claiming compensation for the

injuries sustained by him in RTA.

2. Respondents not filed objection to the application in spite of according opportunities and as such, objection of respondents is treated nil.

3. Heard the counsel for petitioner and respondents. Perused the materials on record.

4. On perusal of the materials, the below mentioned points arise for consideration:

1) Whether petitioner made out grounds for condoning the delay?

2) What order?

5. On consideration of the materials on record, this Tribunal answers the above points as below:-

POINT NO.1 : In the Affirmative

POINT NO.2 : As per the final order  
for the following:

## **R E A S O N S**

6. **POINT NO.1** :- The petitioner filed the present petition seeking compensation for the injuries sustained by him in the accident. The alleged RTA took place on 12.06.2024 in which the petitioner stated to

have sustained injuries and the claim petition is filed on 10.01.2025. The materials on record disclose the aspect of injuries sustained by petitioner in the accident. As per the materials on record, the petitioner appears to have sustained grievous injury in the accident and he will be thinking of taking treatment rather than to file claim petition. At this juncture it is relevant to rely upon the decision of the Hon'ble High Court of Karnataka in W.P No.201961 of 2023 (MV) dated 21-07-2023 between The Divisional Manager VS Ramu @ Ramesh and others, wherein it is held that, Motor Vehicles Act being a beneficial enactment, Section 5 of the Limitation Act being enacted to provide succor to the persons who have come to the Court late, but with a valid reason. Section 5 of the Limitation Act is to be considered beneficially. The Motor Vehicles Act, being a beneficial legislation, the provisions need to be construed liberally and the injured cannot be deprived from presenting the petition beyond the period prescribed only on the technical ground. As the Motor Vehicles Act is a beneficial legislation, the provisions needs to be liberally construed. As per the decision of Hon'ble High Court of Karnataka, the provisions of Limitation Act will be applicable, if there is delay in presenting the claim petition.

Though Motor vehicles Act does not provide provision related to petition filed after period of limitation, as per the ratio laid down by Hon'ble High Court of Karnataka, the provisions of Limitation Act will be applicable and suitable application under Limitation Act can be filed, if there is any delay in filing the claim petition. On perusal of the materials on record, there appears to be delay in filing the claim petition. As the Motor Vehicles Act does not provide provision for condoning the delay in filing the claim petition, the provisions of Limitation Act will be applicable. The petitioner filed relevant application seeking to condone the delay and provided explanation for the delay which appears satisfactory. The claim petition filed by petitioner cannot be rejected only on the technical ground of limitation. As per the ratio laid down by Hon'ble High Court of Karnataka, S 5 of Limitation Act is applicable, if there is delay in filing the claim petition under S 166 of IMV Act and the petitioner filed requisite application under the provisions of Limitation Act seeking to condone the delay. The explanation provided by petitioner for the delay appears satisfactory. The petitioner is none other than the injured and primary concern will be to avail the treatment for the injuries sustained rather than to file petition for compensation. The petitioner

assigned valid reasons in the affidavit for the delay in filing this claim petition and as such, same needs to be condoned. The reasons assigned by petitioner appear satisfactory. The petitioner made out grounds to condone the delay. **Accordingly, Point No.1 is answered in the Affirmative.**

7. **POINT NO.2** :- For the discussions made above, this Tribunal proceeds to pass the following:

**ORDER**

The I.A No.I filed by the petitioner under Section 5 of the Limitation Act is allowed. The delay caused in filing the claim petition is hereby condoned.

**1<sup>st</sup> Addl. Judge & ACJM**