

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

Dated this the 11th day of February, 2026

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

MVC.1571/2025

Petitioner : Smt. Hajera Begum

V/s

Respondents : Sri.H.A. Vishwanath and another

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I.A. No.2

Applicant/
petitioner : Smt. Hajera Begum

V/s

Opponent/
respondents : Sri.H.A. Vishwanath and another

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Provision under which application is filed	:	Under Sec.5 of Limitation Act
Relief sought for	:	For Condonation of delay
The date of which the application filed	:	06-03-2025
Number of application	:	I.A.No.II
The date on which the objections is filed by different opponents	:	29.07.2025
The date on which the orders was passed on the said application	:	11-02-2026

ORDERS ON I.A.No.II

FILED UNDER SEC.5 OF LIMITATION ACT

This instant application is filed by the petitioner U/Sec.5 of Limitation Act for condoning the delay in filing the petition.

2. The above said application is accompanied with an affidavit of Petitioner, wherein she has contended that there is a delay in filing the case, due to non availability of documents and due to lack of knowledge to file the case. The delay is not intentional or deliberate. If the application is allowed no hardship would be caused to others and if the present application is not allowed, she would be put to great hardship. Hence, prays to condone the delay in filing the petition.

3. The counsel for the respondent has filed objection stating that, the application is not maintainable either in law or on facts. It is contended that as per Section 166(3) no application for compensation shall be entertained unless it is made within 6 months of occurrence of the accident. Further contended that, the petitioner has filed this petition after lapse of 14 month delay without any proper reasons. Hence, prays to dismiss the application with cost.

4. Heard on application from both the side.

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

1) Whether, the Petitioner has made out sufficient grounds to condone the delay in filing the claim petition?

2) What Order?

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

Point No.1 : In the Affirmative,

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

REASONS

7. **Point No.1:** The Petitioner has filed above petition against respondents for claiming compensation due to injuries sustained by her in R.T.A. Along with main petition, the petitioner has filed this application seeking condonation of delay for filing the petition.

8. On perusal of petition it appears that, accident was occurred on 16.01.2024 and this petition came to be filed on 06.03.2025. So, there is a delay around 235 days (415-180). The petitioner has stated that due to lack of knowledge to file the case & due to non availability of documents, there is a delay in filing the case. The delay is not intentional or deliberate. On the other hand the respondent has opposed the application on the ground that after amendment to MV Act there is no provision to condone the delay, the petition should be filed within 6 month from the date of occurred of accident.

9. Motor Vehicle Act is a beneficial Act and the benefit under the act cannot be taken away on technical aspect that too of limitation. In this regard it is relevant to rely the decision in the case of The Divisional Manager, United India Ins. Co. Ltd., V/s Ramu @ Ramesh S/o Yallappa and others in W.P.No.201961/2023. Wherein, the Hon'ble Haigh 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.”

10. After amendment, the police authority has to file first accident report, interim accident report and detailed accident report before claim tribunal within its

jurisdiction. In this case FIR has been registered, but there is no records to show that the police have complied mandatory provisions stated in above. By applying principle laid down in the supra decision, I am of the opinion that the petitioner has not delayed deliberately but, the circumstances were beyond her control. By taking liberal view and to give fair opportunity and also to avoid multiplicity of proceedings, the delay may be condoned in filing the petition. Hence, I have answered Point No.1 in the Affirmative.

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

ORDER

I.A.No.II filed by the Petitioner U/Sec.5
of Limitation Act, is hereby allowed.

Consequently, the delay in filing petition
is hereby condoned.

(Dictated to the stenographer directly on computer, corrected by me and then pronounced in open court on this the **11th day of February 2026**).

(DHANESH MUGALI)
III ASCJ, MEMBER MACT & ACJM,
BENGALURU.