

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

DATED THIS THE 02<sup>ND</sup> DAY OF JULY - 2025

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

**M.V.C NO.4659/2023**

PETITIONER : Venkatappa

Vs

RESPONDENTS : Sowbhagyamma and another

**PARTIES TO I A NO.I**

APPLICANT : Venkatappa  
..... Petitioner

Vs

OPPONENT : Sowbhagyamma and another  
..... Respondents

**PARTIES TO I A NO.III**

APPLICANT : M/s HDFC Ergo General Insurance  
Company Ltd.

..... Respondent no 2

Vs

OPPONENT : Venkatappa  
..... Petitioner

**ORDER ON I.A NO.I AND III**

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. The counsel for respondent No.2 filed I.A.No.III under Order VII rule 11(d) R/w S 151 of CPC R/w S 166(3) of IMV Act, when the matter stood posted for further evidence of petitioner side, seeking for rejection of petition on the ground that it is barred by limitation. The representative of respondent No.2 filed the affidavit in support of the application wherein it is contended that the accident took place on 05.01.2023 and the claim petition is filed on 17.07.2023. There is delay fourteen days in filing the claim petition. As per S 166 of MV Act, the claim petition is to be filed within six months from the date of accident and the present petition filed beyond the prescribed period, is not maintainable. As such,

the claim of the petition is not maintainable and liable to be rejected. On the said grounds, respondent No.2 sought to reject the petition.

4. The counsel for petitioner filed objection to I.A.No.III wherein it is contended that the application filed by respondent No.2 is not tenable and liable to be dismissed. The petitioner denied the averments of the affidavit filed in support of the application. It is contended that the petitioner filed necessary application at the time of filing the petition wherein the reasons for the delay has been stated. Further, it is contended that the petitioner sustained injuries in the accident and taking follow up treatment due to which the claim petition has been filed belatedly. The delay caused in filing the claim petition is not intention but for the bona fide reasons stated above. The petitioner provided the explanation for the delay and also sought to condone the delay by filing necessary application. As such, contentions of respondent No.2 are not tenable and the application is liable to be dismissed. On the said grounds, petitioner sought to reject the application.

5. Heard the counsel for the respondent No.2 and petitioner. Perused the materials on record.

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

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

2) Whether respondent No.2 prove that the petition is barred by limitation?

3) What order?

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

POINT NO.1 : In the Affirmative

POINT NO.2 : In the Negative.

POINT NO.3 : As per the final order

For the following:

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

8. **POINT NO.1 AND 2**: Since these points are inter-related, they are taken up together for discussion in order to avoid repetition of facts.

9. The petitioner filed the present petition seeking compensation for the injuries sustained by him in the accident. The alleged RTA took place on 05.01.2023 in which the petitioner stated to have sustained injuries and the claim petition is filed on 17.07.2023. It is contended by respondent No.2 that

the claim petition is filed beyond period of limitation provided under the Act and as such, same is not maintainable. It is pertinent to note that the petitioner filed I A under S 5 of Limitation Act, at the time of filing of petition and same has not been adjudicated. 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. The petitioner filed relevant application seeking to condone the delay and provided explanation for the delay which appears satisfactory. As such, the contention of respondent No.2 does not sustain for consideration. 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 grounds urged by respondent No.2, in his application, are not tenable. The petitioner made out grounds to condone the delay. **Accordingly, Point No.1 is answered in the Affirmative and Point No.2 is answered in the Negative.**

10. **POINT NO.3**:- 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.

I A No.III filed by respondent No.2 under Order VII rule 11(d) R/w S 151 of CPC is hereby rejected.

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