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

Dated this the 1st day of August 2025

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

MVC.3863/2024

Petitioner/s : Sri .KUMAR

V/s

Respondent/s : Sri.UDAY KUMAR @ KUMAR &
ANOTHER

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Applicant/
petitioners : **Sri. KUMAR**

V/s

Opponent/
respondents : Sri. UDAY KUMAR @ KUMAR &
ANOTHER

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Provision under which application is filed	:	Under Sec.5 of Limitation Act, 1963
Relief sought for	:	For Condonation of delay
The date of which the application filed	:	30-05-2024
Number of application	:	I.A.No.I
The date on which the objections is filed by different opponents	:	02-07-2025
The date on which the orders was passed on the said application	:	01-08-2025

ORDERS ON I.A.No.I
FILED UNDER SEC.5 OF LIMITATION ACT

This instant application is filed by the Petitioner U/Sec.5 of Limitation Act 1963 for condoning the delay in filing the claim petition Under section 166 of M.V. Act.

2. The above said application is accompanied with an affidavit of petitioner, wherein he has contended that, he met with accident on 18-11-2023 and took treatment as an inpatient and out patient and advised to take bed rest. Hence, it could not possible for him to collect the police documents to file MVC petition in time. Further he did not have knowledge regarding limitation in filing the petition. Hence, prays to condone the delay in filing the petition.

3. The respondent no.2 has filed objections to the said application and contended that, the application is not maintainable either in law or on facts of the case. Further contended that, the accident occurred on 18-11-2023 and petitioner has filed the above petition on 30-05-2024. As per amended provision of motor vehicle Act, the claim petition has to be filed within 6 months from the date of accident. The applicant has not made out any grounds to condone such delay in entertaining the present application. Hence, prays to reject the application.

4. Heard on application from both the side and perused the materials available on record.

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

1. Whether the Petitioner has made out sufficient grounds to allow the I.A.No.1 filed Under Sec.5 of Limitation Act 1963?

2. What Order?

6. My findings on 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 this petition against respondents for claiming compensation due to injuries sustained by him in R.T.A.

8. The petitioner has filed this application for condoning the delay in filing the claim petition. He has stated that he has no knowledge about filing the petition within limitation time. Further stated that, after the accident he took treatment as inpatient and also as an out patient in the hospital. Hence, there is a delay in filing the petition. In the objections the respondent contended that, the alleged accident occurred on 18-11-2023 and claim petition has been filed on 30-05-2024 i.e., after lapse of 6 months 12 days from the date of occurrence of the alleged mishap.

9. Admittedly, there is a delay of 12 days in filing the petition. Learned counsel for petitioner has relied the decision in the case of, "The Divisional Manager, United India Ins. Co. Ltd., V/s Ramu @ Ramesh and others" in W.P.No.201961/2023. Wherein, 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.”

10. In this case the Petitioner has stated that after the accident he was taking treatment as an inpatient and out patient in the hospital and he had no knowledge about filing the petition in time, hence he could not able to contact and instruct his counsel to file the petition in time. It is admitted fact that 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 above. Hence, 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 his control. By taking liberal view and to give fair opportunity and also to avoid multiplicity of proceedings, I am of the opinion that, the delay may be condoned in filing the petition. Accordingly, Point No.1 is answered in the Affirmative.

11. **Point No.2:** for the foregoing reasons, I proceed to pass the following:

ORDER

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

Consequently, the delay in filing claim petition Under Section 166 of M.V. Act is hereby condoned.

(Dictated to the stenographer directly on computer, corrected by me and then pronounced in open court on this the 1st day of August 2025).

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