

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

Dated this the 12th day of February 2026

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

MVC.3683/2023

Petitioner : Sri. Mallikarjuna

V/s

Respondents : Sri.Premkumar .R. & another

I.A.No.5

Applicant/
Respondent
No.2 : M/s Cholamandalam Gen. Ins. Co.
Ltd.,

V/s

Opponent/
Petitioner : Sri. Mallikarjuna

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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 dismissal of the petition
The date on which the application filed	:	21-01-2026

Number of application	:	I.A.No.V
The date on which the objections is filed by different opponents	:	28-01-2026
The date on which the orders was passed on the said application	:	12-02-2026

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ORDERS ON I.A.No.V

The instant application is filed by the applicant/ Respondent No.2 Under Order VII Rule 11 (d) R/w Sec.151 of CPC and prays to dismiss the petition.

2. In the accompanying affidavit, the Deputy Manager of the applicant / respondent No.2 insurance company has stated that, the alleged accident took place on 24-05-2022 and the claim petition was instituted on 13.06.2023 i.e., after lapse of more than one year from the date of accident. As per the amendment of M.V. Act dated 01-04-2022 the claim petition has to be instituted within 6 months from the date of accident. The present petition is not maintainable as barred by limitation and it deserves to be dismissed. Hence, prays to allow the application.

3. The opponent / Petitioner has filed the objections to the said application contending that, the application is not maintainable either in law or on facts of the case. Further

denied the entire averments made in the application. Further relied upon decision of our Hon'ble High Court of Karnataka, in W.P.No.201961/2023 (MV) and prays to dismiss the application with costs.

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

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

1. Whether the applicant/ respondent No.2 has made out sufficient grounds to reject the petition Under Order VII Rule 11 (d) R/w Sec.151 of CPC?

2. What Order?

6. My findings on 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 opponent/petitioner has filed the above petition against respondents for claiming compensation for the injuries sustained by him in a R.T.A.

8. Before filing this application, the stage is kept for evidence of respondent No.2. Now the

applicant/respondent no.2 came up with this application seeking dismissal of the petition by contending that, the petition is filed at belated stage and barred by limitation period.

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 into force on 01-04-2022. The learned counsel for applicant/respondent no.2 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 **204** days from the date of accident. 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.

12. In this regard, perused the following decision relied by the petitioner:-

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

Wherein it is held that, "the Motor vehicle 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 24-05-2022. The claim petition was filed on 13-06-2023. There is a delay of 204 days days in filing the claim petition after lapse of 6 months. In the case of ICICI Lombard General Insurance Company Ltd., V/s Ayiti Navaneetha & Others dated 04.11.2025, SLA No.8142, 8143/2023 the Hon'ble Apex Court of India has passed an Order stating that during the pendency of these petitions, the Tribunal or the High Courts shall not dismiss the claim petitions on the ground of such petitions as barred by limitation as prescribed under sub-sec (3) or Sec.166 of M.V.Act 1988. Therefore, I am of the opinion that, the Respondent No.2 has not made out sufficient grounds to allow the application. Accordingly, Point No.1 is answered in the Negative.

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

ORDER

I.A.No.V filed by the applicant /
respondent No.2 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 12th day of February 2026).

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