

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 AUGUST - 2025

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

M.V.C NO.5608/2024

PETITIONER : Ramesh

Vs

RESPONDENTS : Ganganna and another

PARTIES TO I A NO.III

APPLICANT : IFFCO TOKIO General Ins Co Ltd  
..... Respondent no 2

Vs

OPPONENT : Ramesh  
..... Respondents

ORDER ON I.A NO.III

The counsel for respondent No.2 filed I A.No.III under Order VII rule 11(d) R/w Sec.151 of CPC, R/w Sec.166(3) of IMV Act, when the matter stood posted for evidence of petitioner, 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 13.12.2023 and the claim petition is filed on 30.07.2024. There is delay more than seven months from the date of accident in filing the claim petition. As per Sec.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.

2. 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. Further, it is contended that due to accidental injuries, the petitioner was taking treatment and was bedridden. As such, the petitioner could not be able to file the petition within time. The delay caused in filing the claim petition is not intentional 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 which came to be allowed. 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.

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

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

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

2) What order?

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

POINT NO.1 : In the Negative

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 13.12.2023 in which the petitioner stated to have sustained injuries and the claim petition is filed on 30.07.2024. 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 been adjudicated on consideration of materials placed before the Tribunal. Respondent no 2 does not appears to have questioned or challenged the order passed on the application. There is no assertion in the application or no materials are placed before the Tribunal to show that the order condoning the delay has been challenged or questioned. The materials on record disclose the aspect of injuries sustained by petitioner in the accident. 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.

7. Respondent No.2 relied on decision reported in **Crl Mis no 714 to 717 of 2023 passed by Hon'ble High Court of Himachal Pradesh, Shimla between SBI General Insurance Co Ltd Vs Ali Mohd and another.**

8. 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 Act would also have 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.

9. As there is decision of Hon'ble High Court of Karnataka related to the subject matter in question, with due respect to Hon'ble High Court of Himachal Pradesh, the decision relied by counsel for respondent No.2 is not applicable. The Hon'ble High Court of Karnataka considered the aspect of Limitation related accident claims and held that the provisions of Limitation Act is applicable since Motor Vehicles Act is a beneficial legislation and petition cannot be rejected only on ground of limitation.

10. 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, Sec.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, delay has been condoned. As the application filed by petitioner seeking to condone the delay is being allowed, the present application without questioning or challenging the order, does not appear to sustain for consideration. The grounds urged by respondent No.2, in the application, are not tenable. **Accordingly, Point No.1 is answered in the Negative.**

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

**ORDER**

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

No order as to cost.

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