



**IN THE COURT OF THE PRINCIPAL SENIOR CIVIL
JUDGE, GOKAK.**

BEFORE: Sri.Umesh S. Atnure,

B.Com.LL.B.(Spl)

MVC. No.3068/2024

DATED THIS 01st DAY OF JULY-2026

- Petitioners:
1. Smt. Yamanavva W/o. Sidram Nandi,
Age: 51 years, Occ: Household,
R/o: Talakatnal, Tq: Gokak, Dist: Belagavi.
 2. Savita D/o. Sidram Nandi,
Age: 28 years, Occ: Household,
R/o: Talakatnal, Tq: Gokak, Dist: Belagavi.
 3. Tippanna S/o. Sidram Nandi,
Age: 24 years, Occ: Agriculture,
R/o: Talakatnal, Tq: Gokak, Dist: Belagavi.
 4. Ramesh S/o. Sidram Nandi,
Age: 23 years, Occ: Agriculture,
R/o: Talakatnal, Tq: Gokak, Dist: Belagavi.

V/s

- Respondents:
1. Shivaray S/o. Asheppa Gudadar,
Age: 59 years, Occ: Agriculture,
R/o: Sajjihal, Post: Kemmankol,
Tq: Gokak, Dist: Belagavi.
 2. The SBI General Insurance Co.Ltd.,
V. A. Kalaburgi, Hallmark, 2nd Floor,
Desai Cross, Pinto Road, Deshpande
Nagar, Hubli.

**PARTIES TO I.A.No.I FILED UNDER SECTION 5 OF
LIMITATION ACT**

Applicant: 1. Smt. Yamanavva W/o. Sidram Nandi
.....Petr. No.1/Applicant
Vs.

Opponents: 1. Shivaray S/o. Asheppa Gudadar
and another
.....Respondents/Opponents

**PARTIES TO I.A.No.II FILED U/o VII RULE 11 R/W/S
151 OF CPC & 166 (3) OF MV AMENDMENT ACT 2019**

Applicant: 1. SBI General Insurance Co. Ltd.,
.....Respondent No.2/Applicant
Vs.

Opponents: 1. Smt. Yamanavva W/o. Sidram Nandi
and others
.....Petitioners/Opponents

**ORDERS ON I.A.No.I FILED UNDER SECTION 5 OF
LIMITATION ACT AND IA.No.II FILED U/o VII
RULE 11 R/W SEC 151 OF CPC AND 166 (3) OF MV
AMENDMENT ACT 2019**

The petitioner has filed the IA.No.I U/Sec.5 of
Limitation Act praying to condone the delay if any in filing
this present petition.

2. In the accompanying affidavit of IA.No.I, the petitioner No.1 contended that the have filed this present petition for claiming compensation on account of death of her husband in RTA. Due to untimely death of her husband, she mentally shock and it is not possible them to collect all the necessary papers like police papers, varasa certificate. Hence, it is not possible them to institute the present petition within prescribed time. There is no any intentional delay in filing the petition therefore, they prayed to the delay if any in filing the petition may be condoned.
3. The respondent No.2 has filed objections to the IA.No.I by denying the entire contentions of the petitioners and further contended that the petitioners were well aware and knowledge persons and they have intentionally filed this petition after lapse of 03 months and there is no specific reason stated in their affidavit to condone the delay. The Kulagod police have filed the charge sheet on 02.06.2024 well within time. The accident took place on 09.03.2024 and the petition is filed on 19.12.2024. Therefore the said petition is being filed after lapse of six months. As per the amended provision of Sec 166(3) of Motor Vehicle (Amendment) Act,

2019 with in 6 months form the date of the accident the claim petition is to be filed but in this case the claim petition is filed after expiry of 6 months from the date of the accident therefore this petition is not maintainable one on the ground of limitation. Hence prayed to dismiss the application.

4. The respondent No.2 has filed the IA.No.II U/o VII Rule 11 R/W.Sec.151 of CPC praying to reject the claim petition as it is barred by limitation.
5. In the accompanying memo of facts the respondent No.2 counsel contended that accident took place on 09.03.2024 and the charge sheet was filed on 02.06.2024 but the petition is filed on 19.12.2024 after laps of 06 months beyond statutory period. As per the provisions of Sec.166(3) of M.V.Act, 1988 (Amended as in 2019) no application for compensation shall be entertained unless it is made within 6 months of the occurrence of the accident, but, in this case this present petition is filed after 06 months of the alleged date of accident hence, this petition is not maintainable one on the ground of limitation. Hence, prayed to dismiss the same.

6. The petitioners have filed objections to this application by denying entire contentions of the respondent No.2. Further he contended that the said government gazette notifications is already stayed by the Hon'ble Supreme Court of India. The petitioners are illiterate, innocent and lack of legal knowledge. The petitioners are already filed delay condonation application along with this petition. Hence they prayed to dismiss this application.
7. Heard the arguments of both side. Perused the application and records.
8. The points that arise for my consideration are as follows:
 1. **Whether the petitioners have made out grounds to condone the delay caused in filing the petition?**
 2. **Whether the respondent No.2 has made out grounds to reject the claim petition as barred by limitation?**
 3. **What order?**

9. My findings on the above Points are:

Point No.1:- In the Affirmative

Point No.2:- In the Negative

Point No.3:- As per final order

for the following:

REASONS

10. **Point No.1:-** The petitioner contended that the alleged accident was occurred on 09.03.2024. Further Due to untimely death of her husband, she mentally shock and it is not possible them to collect all the necessary papers like police papers, varasa certificate hence, it is not possible them to institute the present petition within prescribed time. After collecting detailed information they filed this petition. Therefore delay is caused in filing this petition and same is not intentional one.

11. As per provisions of Sec.166(3) of MV Act the claim petition is to filed within 6 months of occurrence of the accident. In this case the accident was took place on 09.03.2024 within 6 months i.e., within 09.09.2024 the petitioners suppose to file the claim petition, but from the record it goes to show that the petitioners are filed this petition on 19.12.2024. Hence,

it is clear that there is a delay of 03 months 10 days in filing this petition.

12. The provisions of Sec.166 of MV Act is beneficial provision to provide benefit to any injured or the legal representatives of the deceased. The object of Sec.166 of MV Act being beneficial, any provision to be applied relating thereto would also, required to be applied beneficially. The *Hon'ble High Court of Karnataka in W.P. No.201961/2023 in between The Divisional Manager, United India, Insurance Company Ltd., V/s. Ramu @ Ramesh S/o Yallappa and another*, decided on 21.07.2023, it is held that Sec.5 of limitation Act provides for condonation of delay wherever any claim petition, appeal, etc., are filed beyond the period of limitation and provides discretion to the court to consider the reasons made out in an application filed U/Sec. 5 of Limitation Act and if sufficient cause is made out condone the delay. As MV Act, being beneficial enactment Section 5 of Limitation Act being enacted to provide succor to persons who have come to court late, but with a valid reason, Section 5 of the limitation Act would also have to be considered beneficially and there being no bar under the MV act for applying the principles under

Sec.5 of Limitation Act, hence it cannot now be said that there is a blanket embargo under subsection (3) of Section 166 of the M.V.Act in entertaining a claim petition filed after the limitation period. Hence, by relaying of above said authority, I am of considered view that the petitioner has given sufficient cause for condoning the delay in filing this petition. Hence, the delay of 03 months 09 days caused in filing this petition is to be condoned. Further if the delay is not condoned, definitely the petitioners will be put to great hardship and loss and it will not cause any loss and hardship to the respondents. Hence, **I answer Point No.1 in the Affirmative.**

13. **Point No.2 :** This present petition is filed by the petitioners, seeking compensation for the death of husband of petitioner No.1 and father of petitioners No.2 to 4 in this accident. From the records it is clear that, this accident was took place on 09.03.2024 and this claim petition is filed on 19.12.2024. As per the provisions of Sec.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. As per the said provisions the petitioners ought to have file this petition

within 09.09.2024, but they filed this petition on 19.12.2024, hence, it is clear that there is a delay of 03 months 10 days in filing this petition, the petitioners have filed separate application at I.A.No.I for condoning the delay in filing this present claim petition and said application is allowed and delay is condoned. In view of condonation of the delay, this present application is not maintainable. Hence, **I answered the Point No.2 in the Negative.**

14. **Point No.3 :** For the aforesaid findings, I proceed to pass the following;

ORDER

The application filed by the petitioners
Under Section 5 of Limitation Act at I.A.
No.I is hereby allowed.

The delay caused in filing this petition is
hereby condoned.

The application filed by the respondent
No.2 U/o VII Rule 11, R/W Sec.151 CPC at
I.A.No.II is hereby dismissed.

Call on for petitioner evidence by

07.07.2026.

(Typed by me on computer, revised, corrected and then pronounced by me in the open Court on this the 01st day of July, 2026.)

Sd/-

(Umesh S. Atnure)

Prl. Senior Civil Judge Gokak.