

**ORDER ON I.A. NO. I**

1. In the present petition the petitioner has filed the instant application to condone the delay in preferring the present petition. The petitioner's guardian in his affidavit submits that after the accident his son was in the hospital and he has taken the treatment for which he has not met his counsel for which he has not filed the petition within time. He further submits that the delay in filing the present petition is due to bonafide reasons. In this regard, the petitioner prays as above.
2. The learned Counsel for the respondent no.2 has filed his objections to the said application. He has contended that the application filed by the petitioner is false, frivolous and vexatious and it is not maintainable under the provisions of the MVC Act. He has further contended that the petitioner has not explained any reasonable grounds to condone the delay in filing the application and accordingly, among other grounds prays to reject the application.
3. Considering the rival contentions of the petitioner and the respondent no.2, the following points arise for my consideration:
  1. Whether the delay caused in preferring the petition bearing M.V.C.No.83/2024 deserves to be condoned?
  2. To what order?

4. I have heard the learned Counsel for the petitioner and the respondent no.2 on I.A.No.1.
5. My findings for the above points are as under:

Point No.1: In the affirmative,

Point No.2: As per final order for the following:

### **REASONS**

6. **Point No.1:** It is the case of the petitioner that after the accident his son was in the hospital and he has taken the treatment for which he has not met his counsel for which he has not filed the petition within time and the delay in filing the present petition is due to bonafide reasons.
7. On perusal of the affidavit of the petitioner's guardian, it is evident that after the accident the petitioner was suffering from mental agony and shock for which the petitioner has not preferred this petition within time.
8. Further, what exactly is to be the approach in the matter of condonation of delay has been considered by the Hon'ble Supreme Court of India in the decision between the Collector Land Acquisition v/s.Mst.Katiji and others cited in (1987) 2 SCC 107 wherein the Hon'ble Court laid down 6 broad guidelines, specifically holding that there should not be a pedantic approach in the matter of delay and delay should be liberally construed,

more particularly when there is a merit in the case. Further, it has held that refusing to condone the delay can result in a meritorious matter being thrown out at the very threshold and cause of justice being defeated. As against this when delay is condoned the highest that can happen is that a cause would be decided on merits after hearing the parties. Further, it has held that every day's delay must be explained does not mean that a pedantic approach should be made. The doctrine must be applied in a rational common sense pragmatic manner.

9. In the case on hand, undisputedly there is a delay of 351 days in preferring the present petition. Further, such delay cannot be said to be inordinate delay in the facts and circumstances of the present case. In these circumstances, having regard to the reasons given by the petitioners for delay in presenting the petition and in view of the law laid down by the Hon'ble Supreme Court of India, I am of the view that there is a sufficient cause for condoning the delay of 351 days in presenting the petition. Further, I am of the view that the delay caused in presenting the petition deserves to be condoned. Accordingly, point no.1 is answered in the affirmative.
10. **Point No.2:** In view of my discussion made supra, I proceed to pass the following:

**ORDER**

I.A.No.I filed by the petitioner under Sec.5 of Limitation Act is hereby allowed on costs of Rs.4,000/-.

The delay of 351 days caused in presenting the petition stands condoned.

(Directly I have typed on my laptop, corrected and then pronounced by me in the open Court on this the 9<sup>th</sup> day of **January, 2026.**)

**(Hanamantarao R.Kulkarni)**  
**Senior Civil Judge & JMFC.,**  
**Hunagund.**