

ORDERS ON I.A.No.I

The present application is filed by the petitioner under section 5 of Limitation Act seeking condonation of delay of 8 months and 15 days caused in filing the present petition on the ground that he was under treatment and due to his financial difficulties he was unable to obtain copies in time. The application is supported with the affidavit of the petitioner.

2. *Per contra*, the respondents have filed objections denying the contents of the application. Further it is contended that the petitioner has not made out sufficient grounds to allow the application.

3. Heard arguments. Perused records.

4. The present petition is filed under section 166 of Motor Vehicles Act seeking compensation on account of injuries suffered by the petitioner. The alleged date of accident is 03.04.2024. The present petition came to be filed on 18.06.2025. As per section 166 (3) of Motor Vehicles Act, no application for compensation shall be entertained unless it is made within six months of the occurrence of the accident. The petitioner claims that due to ignorance of law, he was unable to file the petition in time. As such there is a delay of 08 months 15 days caused in filing of the present petition, by deduction of prescribed period

of 6 months. It is pertinent to note that Motor Vehicles Act is a beneficial piece of legislation. The claim made by the injured; petitioner cannot be dismissed on the ground of technicalities.

5. In this regard it is pertinent to refer to a decision of Hon'ble High Court of Karnataka, Kalaburgi Bench in W.P.No.201961/2023 (MV) dated 21-07-2023 reported in **NC 2023: KHC-K-5621**. It was observed by the Hon'ble High Court that ***MV act being a beneficial enactment section 5 of the Limitation Act being enacted to provide succor to persons who have come to court late, but with a valid reason, section 5 of Limitation Act would also have to be considered beneficially and there is no bar under the MV Act for applying the principles under section 5 of the Limitation Act.*** Further it was held that it cannot be said there is a blanket embargo under sub section (3) of Section 166 of MV Act in entertaining a claim petition filed after the limitation period. Thus having recourse to section 5 of Limitation Act, the delay if any, caused, could very well be condoned by the court. Thus in the light of the ratio laid down in the aforesaid cases, merely because the petition was filed after lapse of six months, is no ground to dismiss the petition. Thus this Tribunal is of the considered opinion that the application filed by the petitioner deserves to be allowed. In the light of foregoing discussions, this Tribunal proceeds to pass the following;

ORDER

IA No.I filed by the petitioner under section 5 of Limitation Act is hereby allowed.

The delay of 8 months 15 days caused in filing the present petition is condoned.

For issues by 30-07-2026

(Dictated to stenographer directly on the computer, printout taken, corrected and then pronounced in the open court on this the 09th day of July-2026).

[SHAMEER P. NANDYAL]
Senior Civil Judge & JMFC,
Challakere.