

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 14 Years 10 Months caused in filing the present petition on the ground that due to lack of legal knowledge, unintentionally the petition was not filed within the period of limitation. The application is supported with the affidavit of the petitioner No.1.

2. The respondent is placed *ex-parte* in the petition.
3. Heard arguments. Perused records.
4. The present petition is filed under section 166 of Motor Vehicles Act seeking compensation on account of the death of Thippamma. The alleged date of accident is 14.12.2010. The present petition came to be filed on 07.07.2025. 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 petitioners claim that due to ignorance of law they could not file the petition in time. As such there is a delay of 14 years 10 months caused in filing of the present petition, by deduction of prescribed period of 6 months. The amendment to section 166 (3) of Motor Vehicles Act was brought on 01-04-2022. Previously there was no limitation period prescribed for filing of the claim petition. The accident in the present petition had occurred much prior to the

amendment brought. That apart the amendment brought to section 166 (3) of Motor Vehicles Act is prospective in nature. The same cannot be applied retrospectively. That apart it is pertinent to note that Motor Vehicles Act is a beneficial piece of legislations. The claim made by the petitioners 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 petitioners deserve to be allowed. In the light of

foregoing discussions, this Tribunal proceeds to pass the following;

ORDER

IA No.1 filed by the petitioner under section 5 of Limitation Act is hereby allowed.

The delay of 14 years 10 months caused in filing the present petition is condoned.

For petitioners/ evidence by 16-07-2026

(Dictated to stenographer directly on the computer, printout taken, corrected and then pronounced in the open court on this the 15th day of APRIL-2026).

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