

Present: SHAMEER P. NANDYAL,
B.A., LL.B., (Hons.), LL.M.
Senior Civil Judge & JMFC,
Challakere

DATED THIS 18rd DAY OF JUNE 2026

M.V.C.No.1025/2025

.... **Petitioner**

 V/s

.... Respondents

PARTIES TO I.A.No.1

Rank of Parties

... ..Applicant/Petitioner

[Rep. By Sri. GS, Adv.]

AND:

1. Guddapu Boraiah
S/o Guddapu Bosaiah,
Aged about 43 years
R/o Nelagetanahatty Village,
Challakere Taluk.
2. The Branch Manager
Future General India Insurance Co.Ltd.,
Mezzanine Floor, Brigade MLR Center

Vani Vilas Road Basavanagudi,
Bengaluru.

..... **Opponents/Respondents**

[R2 Rep. by Sri. KMB, Adv.]

PARTICULARS

1	Provision under which the application is filed	Under Section 5 of Limitation Act
2	Relief Sought for	Condonation of delay
3	The date on which the application is filed	22.10.2025
4	Number of the application	I.A.No.I
5	The date on which the objections are filed by opponent	11.06.2025
6	The date on which the orders were passed on the said application	18.06.2026

PARTIES TO I.A.No.II

Between

Rank of Parties

The Branch Manager
Future General India Insurance Co. Ltd.,
Mezzanine Floor, Brigade MLR Center
Vani Vilas Road Basavanagudi,
Bengaluru.

[Rep. by Sri. KMB, Adv.]

..... **Applicant/Resp.No.2**

And

S.M. Palaiah
S/o Sanna Bommadevudla Muthaiah,
Aged about 60 years, Agriculturist,
R/o Nelagetanahatty Village,
Challakere Taluk.

[Rep. By Sri. GS, Adv.]

..... **Opponent/Petitioner**

PARTICULARS

1	<i>Provision under which the application is filed</i>	Order VII Rule 11 (d) R/w Sec.151 of CPC & 166 (3) of MV Act
2	<i>Relief Sought for</i>	Rejection of Petition
3	<i>The date on which the application is filed</i>	05.02.2026
4	<i>Number of the application</i>	I.A.No.II
5	<i>The date on which the objections are filed by opponent</i>	11.06.2026
6	<i>The date on which the orders were passed on the said application</i>	18.06.2026

ORDERS ON I.A.No.I & II

I.A.No.I is filed by the petitioner under section 5 of Limitation Act seeking condonation of delay of 60 days caused in filing the present petition.

2. In support of the application, the petitioner has filed his affidavit swearing to the fact that in the accident he had suffered severe head injuries and he was unable to contact his counsel. Further he has stated that he was unable to walk for a period of 8 months. On these grounds and such others, it is prayed for allowing of the application.

3. The respondent No.2 has filed objections to the application contending that the delay caused is unintentional one as he was under treatment. Further, it is contended that the present application is filed only to delay the proceedings. On

these grounds and such others, it is prayed for dismissal of the application.

4. I.A.No.II is filed by the respondent No.2 company under Order VII Rule 11 R/w Sec.151 of CPC and section 166 (3) of MV Act seeking dismissal of the petition on the ground that the same is filed after a period of six months from the date of accident. The application is supported with the affidavit of representative of the respondent No.2 company.

5. Per *contra*, the petitioner has filed objections contending that the application is not maintainable. The delay in filing the claim petition was *bona fide* and occurred due to the grievous injuries sustained in the accident. If the application is allowed, the petitioner will suffer irreparable loss and hardship. On these grounds and such other grounds, the petitioner has prayed for dismissal of the application.

6. Heard arguments. Perused records.

7. The points that arise for the consideration of the court are:

POINTS

- i. ***Whether the petitioner has made out sufficient grounds to condone the delay caused in filing the petition?***

ii. ***Whether the respondent No.2 has made out sufficient grounds for rejection of petition?***

iii. ***What order?***

8. On consideration of the materials placed on records this court answers the aforesaid points as hereunder:

Point No.1 : In the ***affirmative***

Point No.2 : In the ***negative***

Point No.3 : As per final order
for the following:

REASONS

9. **Points Nos.1 & 2:** As these points are interconnected they are taken up together for common discussion, in order to avoid repetition of facts and pleadings. 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 26.02.2025. The present petition came to be filed on 27.10.2025. 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 says that he was under treatment. As such there is a delay of 60 days is caused in filing of the present petition. It is pertinent to note that Motor Vehicles Act is a beneficial piece of legislations. The claim made by injured cannot be dismissed on the ground of technicalities.

10. 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.

11. Similar view was taken by the Hon'ble High Court of Kerala in the case of **Akshay Raj Vs Ministry of Law and Justice, Legislative Department** reported in **2023 LiveLaw (Ker) 50**. It was observed that *claim petitions, if filed beyond the period of six months cannot be dismissed in limine*. Further it was held that the provisions of the limitation Act would be applicable for entertaining the petitioners for claiming compensation even beyond the period of six months. The respondent No.2 has not

made out sufficient grounds to allow the IA No.2. As such this Tribunal answers point No.1 in the ***affirmative*** and point No.2 in the ***negative***.

12. **Point No.3:** 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 caused in filing the petition is condoned.

IA No.II filed by the respondent No.2 under Order VII Rule 11(d) R/W Sec.151 of CPC and section 166 (3) of MV Act is hereby rejected.

(Typed by the stenographer directly on the laptop, printout taken, corrected and then pronounced in the open court on this 18th day of **June-2026**).

Senior Civil Judge & JMFC,
Challakere