

**IN THE COURT OF SENIOR CIVIL JUDGE AND JMFC AT
HIRIYUR**

Dated on this 5th day of June 2026

Present: SMT. SUJATHA SUVARNA B.,
B.Com., LL.B.,

Senior Civil Judge & JMFC,
Hiriyur

MVC No1161/2025

PETITIONER

: Poorvith G.T.
S/o Triloknath,
Aged about 4 years,
Agriculturist
petitioner is minor
Representing through
his natural Guardian
Father i.e., Triloknath
S/o Govindrajulu
Aged about 38 years,
R/o Amarapuram,
Ananthapura District,
Aandra Pradesh State.

[Rep. By Sri.Y.R.K., Advocate]

Vs

RESPONDENTS

: 1. Sri Veerendra Patil S.H.,
S/o Hanumanthappa, 58 years,
RC Owner of the Hero passion Pro
Motor bike bearing
Reg.No.KA-06-HG-6650,
R/oMaddihally village,
Hiriyur Taluk,
Chitradurga District.

2. The Authorized Manager,
ICICI Lombard General
Insurance Company Ltd.,
No.3/5, 2nd Floor,

S.V.R. Complex, Hosur Main Road,
Bangalore-560068
policy No.300/47083014/11535/000
valid from 21.12.2019 to 20.12.2024

[R1 Rep.By Sri.K.V.D., advocate]
[R.2 Rep.By Sri.B.M.R.C.,advocate]

RANK OF THE PARTIES ON I.A.No.I

Applicant / Petitioner : Poorvitha G.T.
Vs.
Opponents/ Respondents : Veerendrapatil & Another

RANK OF THE PARTIES ON I.A.No.II

Applicant / Respondent No.2 : Sri Veerendrapatil & Another
Vs.
Opponents/ Petitioner : Poorvitha G.T.

i	Provision under which the applications are filed	IA No.I- section 5 of limitation Act R/w Sec.5 of CPC. IA No.II-U/O 7 Rule 11(d) R/w Sec.151of CPC
ii	Relief sought for	IA No.I-Condonation of the delay IA No.II-Rejection of the claim application
iii	The date on which the applications are filed	24.07.2024 09.04.2026
iv	Number of the application	1 & 2
v	The date on which the objections are filed by different opponent	09.04.2026 07.05.2026 23.04.2026
vi	The date on which the orders	

	were passed on the said application	05.06.2026
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COMMON ORDERS ON I.A.No. I & II

The petitioner has filed IA No.I U/Sec.5 of Limitation Act praying to condone the delay of 1 year 4 month and 9 days in filing the claim petition.

2. In support of the application, the natural guardian of petitioner has filed his affidavit and stated as follows:

Due to the accident, his son who is a minor petitioner, sustained severe injuries and underwent prolonged treatment as both an inpatient and an outpatient. Hence, he was unable to visit the police station to collect the documents, meet his counsel, and filed the petition within time. He was also not aware of the limitation period prescribed for filing the claim petition. Therefore, the delay was caused due to the above reasons. The delay in filing the petition is neither intentional nor deliberate. Hence, he prays to allow the application.

3. Per contra, the respondent No.1 and 2 have filed their objections. The brief facts of the objection filed by the respondent 1 is as follows:

The application filed by the petitioner is not maintainable either in law or on facts, and it is liable to be dismissed. The accident occurred on 11.12.2024, whereas the claim petition was filed on 28.12.2025. According to Section 166(3) of the Act, as amended by the act of 2019, any application for compensation must be filed within six months from the date of the occurrence of the accident. The petition has been filed after the expiry of six months from the date of the accident. Hence, prays to dismiss the application.

4. The brief facts of the objection filed by the respondent 2 is as follows:

The application filed by the petitioner is not maintainable in law or facts. The application filed by the petitioner is after thought.

The petitioner has filed the said application at the time of filing of the petition, and there is no such provision under the M.V.Act requiring that the petition be accompanied by an application U/sec.5 of the Limitation Act for condonation of delay. The petition has been filed after the lapse of 6 months from the date of the accident and it is barred by limitation. Hence, the respondent no.1 and 2 prays to reject the application.

5. The respondent No.2 has filed I.A.No.II under Order VII Rule 11(d) R/w Sec.151 of C.P.C., praying to dismiss the claim petition as barred by limitation.

In support of the application, the learned counsel of the respondent No.2 has filed memo of facts and stated as follows:

The accident occurred on 11.02.2024, and the petition was filed on 24.12.2025 after the expiry of the 6 month limitation period. As per the amendment to Sec.166 (3) of the Motor Vehicles Act, the claim petition has to be filed within 6 months from the date of occurrence of the accident. The present claim petition has been filed after the expiry of the period of limitation. Hence, it is prayed to allow the application.

6. The petitioner has filed objection to I.A.No.2 and stated as follows:

The accident occurred on 11.02.2024, the Abbinahole police registered a case for the offences punishable U/sec.279, 337 of IPC. The petitioner sustained grievous injuries and took treatment at Government hospital, Hiriyur and Vijayanagar hospital, Bangalore. The delay in filing the claim petition was neither intentional nor deliberate, but occurred due to the bonafide reasons.

The IO of the Hiriyr Rural police has not complied the mandatory provisions of the Sec.159 and 160 of IMV Act and they were not inform the same to Hon'ble District Judge and M.A.C.T., Chitradurga with respect of filing of the AIR-mis. Hence, question of delay in filing of the claim petition by the petitioner does not arise. Thus, prayed to dismiss the application.

7. Heard and perused the materials on record.

8. The points that would arise for consideration of this court are as follows:

1. Whether the petitioner has made out sufficient grounds to condone the delay as prayed in the IA No.I ?
2. Whether the respondent No.2 has made out sufficient grounds to reject the petition for the reasons mentioned in the application at this stage?

3. What order?

9. The findings of this court 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

POINT No.1 & 2:- Since these two points are inter connected , they are taken together for common discussion to avoid repetition.

10. It is the contention of the respondents that the petitioner has filed the petition after the lapse of the limitation period and that the petition is barred by limitation. The applicant in IA No.1 under Section 5 of the Limitation Act contends that, due to grievous injuries, he was unable to file the claim petition within the stipulated period.

11. This petition is filed by the petitioner against the respondents under Sec. 166 of Motor Vehicles Act, seeking compensation of Rs.98,00,000/- with interest at the rate of 12% per annum. According to the petitioner, he sustained grievous injury in the accident and took treatment at Government hospital. Due to the said injuries, he filed this petition.

12. The accident occurred on 11.02.2024 and the claim petition was filed on 20.12.2025. As per the provisions of Sec.166(3) of the IMV Act, a claim petition ought to be filed within 6 months from the date of accident.

13. The decision reported in AIR 1999 Supreme Court 2630 is follows:

11. The law regarding condonation of delay is well settled. In the decision reported in (1998) 7 SCC 123 (N. Balakrishnan V. M. Krishnamurthy), it is observed as follows:-

It is axiomatic that condonation of delay is a matter of discretion of the court. Section 5 of the Limitation Act does not say that such discretion can be exercised only if the delay is within a certain limit. Length of delay is no matter, acceptability of the explanation is the only criterion. Sometimes delay of the shortest range may be uncondonable due to a want of acceptable explanation whereas in certain other cases, delay of a very long range can be condoned as the explanation thereof is satisfactory. Once the court accepts the explanation as sufficient, it is the result of positive exercise of discretion and normally the superior court should not disturb such finding, much less in revisional jurisdiction, unless the exercise of discretion was on wholly untenable grounds or arbitrary or perverse. But it is a different matter when the first court refuses to condone the delay. In such cases, the superior court would be free to consider the cause shown for the delay afresh and it is open to such superior court to come to its own finding even untrammelled by the conclusion of the lower court.

Petitioner has explained the circumstances which compelled him to file the petition after lapse of limitation period. It is well settled law that, the limitation is a mixed question of law and facts. The petitioner has properly explained the reason for delay.

14. At this juncture, I would like to rely on the judgment

passed by the Hon'ble High Court of Karnataka, Kalaburgi Bench, in writ petition No.201961/2023 (MV) in between The Divisional Manager, United India Insurance Co. Ltd., Vs. Ramu @ Ramesh and Others, wherein the Hon'ble High Court of Karnataka has pleased to observed as under:

“Section 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 any application filed under Section 5 of Limitation Act and if sufficient cause is made out to condone the delay. As aforesaid MV Act being a 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 Section 5 of the Limitation Act. I am of the considered opinion that it cannot now be said that there is a blanket embargo under subsection (3) of Section 166 of the MV Act in entertaining a claim petition filed after the limitation period.”

Further, his Lordship has pleased to observed that:- “The MV Act being a beneficial Act, the provision thereof had to be given

beneficial meaning and effect. The benefit under the Act, cannot be taken away on a technical aspect that too of limitation, thus, Sec.5 of Limitation Act to the fact of situation, I do not find any infirmity thereof.”

15. Sec 166 is for the benefit of Victim. It came into force as a measure of social legislature. For the reasons mentioned above, this tribunal comes to the conclusion that, it is fit case to condone the delay. In my opinion, the delay is required to be condoned in order to meet ends of justice. Hence, there is no valid ground to reject the claim petition, though it has been filed after lapse of limitation period. Accordingly this Court is answered point No.1 in the affirmative and point No.2 in the Negative.

16. POINT No.3 :- In view of the findings on the above point, I proceed to pass the following;

ORDER

The I.A.No.I filed by the petitioner U/Sec.5 of Limitation Act is allowed and delay in filing claim petition by him is condoned.

The I.A.No.II filed by the respondent No.2 U/o.7 R.

11(d) r/w Sec.151 of C.P.C., is hereby rejected.

(Dictated directly to the steno, she typed on lap top, corrected by me and then pronounced in the open court on this the 5th day of June- 2026)

(SUJATHA SUVARNA. B)
Senior Civil Judge & JMFC,
Hiriyur.

ORDERS ON I.A No.3

The defendant No.2 filed I.A.No.3 under Sec.151 of CPC along with objection to main petition.

The plaintiff is not filed objection to I.A.No.3. Admittedly, it is trial court. Being a trial court, it is just and necessary to give opportunity to the respondent to file objections. Hence, considering the facts and circumstances of the case, it is a fit case to allow the application. Accordingly, I proceed to pass the following:

ORDER

I.A.No.3 filed by the defendant No.2 under Section 151 of CPC is hereby allowed.

For orders. Call on 24.01.2026

Senior Civil Judge & JMFC,
Hiriyur.