



**IN THE COURT OF PRINCIPAL SENIOR CIVIL
JUDGE, & C.J.M., CHIKKAMAGALURU**

**Present : Smt. Kumari Sujatha.
B.com.L.L.B.,
Prl. Senior Civil Judge & CJM.,
Chikkamagaluru**

M.V.C. No.123/2025

Dated this the 12th day of December, 2025.

Petitioner : Master Ritesh,
S/o Siddaraju,
Aged about 8 years,
Student,
Since Minor Rep. by his Father
and Natural Guardian Siddaraju,
S/o Late Puttasiddaiah,
Aged about 32 years,
Amble Village and Post,
Chikkamagaluru Taluk.

(By Sri D.C.P., Advocate)

-V/s-

Respondents 1. Naveen Kumar,
S/o Narayana Naika,
Aged about 23 years,
Business, Lakshmi Cafe,
Behind Mayura Hotel,
Chikkamagaluru.

2. Ramesh S.M,
S/o Mullaiah,
Aged about 48 years,



Siragur Village,
Avathi Post,
Chikkamagaluru Taluk.

3. The United India Insurance Co.,
Ltd., Crescent Road,
K.M.Road, Chikkamagaluru.

(R.1 & R2 Placed Ex-Parte)
(R.3 by Sri TRH., Advocate)

PARTIES TO I.A. No. I

Petitioner : Master Rithesh

-V/s-

Respondent : Naveen Kumar and others

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ORDER ON I.A. NO.I

The instant Application is filed by the Learned Counsel for the Petitioner under Sec.5 of the Limitation Act R/w Sec.166 of IMV Act praying for condonation of delay of 770 days in filing the Petition.

2. This Application is resisted by the Learned Counsel for the Respondent No.3 by filing his



detailed Objections with a prayer to dismiss the Application.

3. Heard. Perused I.A., Affidavit and the materials available on record.

4. Now the Point arises for the determination of this Court are as under :

POINTS

1) Whether the Learned Counsel for the Petitioner has made out sufficient grounds to allow I.A.No.I filed under Sec.5 of the Limitation Act R/w Sec.166 of IMV Act?

2) What Order ?

5. In order to substantiate the contention of the Petitioner, the Petitioner got examined himself as CW.1 and closed his side evidence. On the other hand, the Respondent No.3 did not choose to lead any evidence.

6. My findings on the above Points are as under :

Point No. 1 : In the Affirmative

**Point No. 2 : As per the final Order,
for the following**



REASONS

Point No. 1 :-

7. The instant Application is filed by the Learned Counsel for the Petitioner with a prayer to condone 770 days delay in filing the claim petition.

In order to substantiate the contention of the Petitioner, the father of the minor Petitioner got examined himself as CW.1 and deposed that on 19.02.2023 at about 10.00 p.m, his son was proceeding as a pedestrian in front of the Junior Collage main gate, Beluru Road, Chikkamagaluru, the Respondent No.1 being the driver of Maruthi Car bearing Reg.No.KA-17-N-5759 came in a rash and negligent manner and dashed against his son. Due to the said accident, his minor son had sustained grievous injuries and he was admitted as an inpatient in the MG Hospital, Chikkamagaluru. Thereafter, he was under continuous treatment. Therefore, there is a delay in filing the Petition. If the delay is not condoned, then, his son will be put to hardship. On these grounds, he has prayed to allow the application.



8. The CW.1 in his cross-examination denied the suggestions put forth to him. Upon going through the materials available on record it shows that the Petitioner had sustained injuries and under the treatment. Further the copy of Charge-sheet also shows that the IO has Charge-sheeted the driver of the offending vehicle for the offences punishable under Section 279 and 338 of IPC and under Sec. 181 of IMV Act. The Wound Certificate shows that the minor Petitioner had sustained fracture of right tibia which is grievous in nature. Hence, there is a delay in filing the claim petition.

9. At this juncture, I would like to rely on the Judgment passed by the Hon'ble High Court of Karnataka, Kalaburagi 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 the 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 an application



filed under Section 5 of the Limitation Act and if sufficient cause is made out to condone the delay. As aforesaid 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 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 provisions 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 the Limitation Act to the fact of situation, do not find any infirmity thereof”. Accordingly, the Hon'ble High Court of Karnataka has pleased to dismissed the Writ Petition filed by the Insurance Company.



10. It is the contention of the CW.1 that since his son had sustained injuries and under the treatment and he could not meet the counsel to file the claim petition in time. Hence, there is a delay in filing the claim petition. Therefore, this Tribunal is also of the opinion that since M.V.Act being a beneficial Act, the benefit under the Act cannot be taken away on technical aspect. Therefore, by relying on the Judgment of our Hon'ble High Court, this Tribunal is also of the opinion that the Petitioner has made out sufficient grounds to allow the application. Accordingly I answer Point No.1 is in the "**Affirmative**"

11. **Point No. 2** : As per my detailed discussion to Point No.1 as stated supra, and my answer to the above Point No.1 is "**in the Affirmative**", I proceed to pass the following:

ORDER

I.A. No. I filed by the Learned Counsel for the Petitioner under Sec.5 of the Limitation Act R/w Sec.166 of IMV Act is hereby allowed.



**The delay in filing the claim Petition
is condoned.**

(Dictated to the stenographer directly on the Computer, computerized by her, corrected, signed and then pronounced by me in the open Court on this **12th day of December, 2025**)

Sd/-
(Smt. Kumari Sujatha.)
Prl. Senior Civil Judge & CJM
& MMACT, Chikkamagaluru

Annexure

Witnesses examined on behalf of the Petitioner :

C.W.1 : Siddaraju

Documents marked as Exhibits for the Petitioner :

-Nil-

Witnesses examined on behalf of the Respondents:

-Nil-

Documents marked as Exhibits for the Respondents:

-Nil-

Sd/-
(Smt. Kumari Sujatha.)
Prl. Senior Civil Judge & CJM
Chikkamagaluru.