



**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.106/2025

Dated this the 7th day of February, 2026

Petitioner : Sri Kumar Naik,
S/o. Late Krishna Naik,
Aged about 56 years,
R/o. Agrahara Tandya,
Nagenahalli,
Kadur Taluk,
Chikkamagaluru.

(By Sri PM., Advocate)

-V/s-

Respondents 1. Sri Shivakumar B.S,
S/o. Somanna,
Aged about 33 years,
Labourer,
R/o. Near Kariyamma Temple,
N.Pete, Banavara,
Arsikere Taluk,
Hassan District.

2. Sri Santhosh Kumar B.S,
S/o. Somanna,
R/o. N.Pete, Banavara,



Arsikere Taluk.

3 The General Manager,
United India Assurance Ltd.,
K.M.Road,
Chikkamagaluru.

(R.1-R2 by Ex-parte,)
(R.3 by Sri HCK., Advocate)

PARTIES TO I.A. No. I

Petitioner : Kumara Naika

-V/s-

Respondents: Shivakumar 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 118 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 Respondents 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 118 days delay in filing the claim petition.

In order to substantiate the contention of the Petitioner, the Petitioner got examined himself as CW.1 and deposed that he had sustained injuries in the Road Traffic Accident that has been occurred on 21.05.2024. Thereafter, he had taken first aid treatment at Govt. Hospital, Sakharayapatna and thereafter he was admitted as an inpatient at Holy Cross Hospital, Chikkamagaluru and after discharge, he had taken 2-3 months bed rest and therefore, he could not contacted his counsel. Therefore, there is a delay in filing the claim Petition. On these grounds, he has prayed to allow the application.

8. On the other hand, the Learned Counsel for Respondent No.1 had filed his detailed Objections inter-alia contended that in view of the provision of the MV Act, 1988 (Amended as in 2019) Sec.166(3), no application for compensation shall be entertain unless it is made within 6



months of the occurrence of the accident. Hence, there is no bonafide reasons in the application to condone the delay.

9. The accident has been occurred on 21.05.2024 and the present Petition has been filed on 17.03.2024. Admittedly, there is a delay in filing the claim Petition.

10. 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.

11. The contentions of CW.1 is that he had sustained injuries in the Road Traffic Accident that has been occurred on 21.05.2024. Thereafter, he



had taken first aid treatment at Govt. Hospital, Sakharayapatna and thereafter he had was admitted as an inpatient at Holy Cross Hospital, Chikkamagaluru and after discharge, he taken 2-3 months bed rest and therefore, he could not contacted his counsel. Hence, there is a delay in filing the 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. Moreover, the alleged accident has been occurred prior to the date of amendment to the MV Act. 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 in the **"Affirmative"**.

12. **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 **07th day of February, 2026**)

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

Annexure

Witnesses examined on behalf of the Petitioner :

C.W.1 : Sri Kumarnaika

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.