



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

Present: Sri.Prakash.P.M M.B.A., LL.B.,
Senior Civil Judge & JMFC.,
Mudigere.

Dated this the 03rd day of November 2025

M.V.C. NO. 214/2023

Petitioner: Sri. Pruthvi Raj K,
S/o Karunakara V,
Aged about 31 Years,
R/at Infront of Bus Stand,
Jannapura Village,
Gonibeedu Hobli,
Mudigere Taluk,
Chikkamagaluru District.

(By Sri. H.C.K., Advocate)

V/S

Respondents:

1. The Managing Director,
KSRTC Bangalore-27,
Mangalore Division
(Owner of the Bus Bearing
Registration No. KA 01 F 9055)
Mangalore

Vide policy No. 604400312110002873.
Valid from 08.12.2021 to 07.12.2022)
The insurer of Bearing
Vehicle No. KA-01-F-9055.

2. The Branch Manager



M/s National Insurance Company Ltd,
Bengaluru division-VII No.44,
1st Floor, 4th Block,
100 feet road, Koramangala,
Bengaluru-34

**(R1 By Sri. D.K.P., Advocate
and R2 by Sri. A.B.S., Advocate)**

Parties to IA No.III

**Applicant: National Insurance Company Ltd,
respondent No.2**

V/s.

**Opponent: Pruthvi Raj K,
petitioner**

Parties to IA.NO. IV

**Applicant/ Sri. Pruthvi Raj K,
petitioner**

Vs.

**Opponent/: The Managing Director and another
respondents**

ORDERS ON I.A.No.III and IV

The I.A.No.III filed by the respondent No.2 U/o VII rule 11(d) of CPC to reject the petition filed by the petitioner as the claim application is filed after the lapse of statutory period, in the ends of justice.



2. The I.A.No.I filed by the petitioner U/Section 5 of limitation Act to condone the delay took place in filing this petition.

3. In the affidavit annexed with IA No. III, the Divisional Manager of respondent No.2 company Sri. Vishvanath G.K. averred that in the claim petition it is stated that, the victim met with an accident on 18.03.2021. The claim petition is filed on 15.05.2023, whereas the accident took place on 18.03.2021 and petition is being filed after statutory period. As per Motor Vehicle Act, 1988 Section 166(3) “No application for compensation shall be entertained unless it is made within six months of the occurrence of the accident”. The petitioner has filed the said petition after six months of the occurrence of the accident. The petitioner has filed this petition after lapse 2 years 3 months from the date of accident. Therefore, the petition is hit by section 166(3) of Motor Vehicle (Amendment) Act of 2019. Hence, prays to dismiss the petition.

4. On the other hand, the petitioner has filed objection to IA No. III and prays to dismiss the IA No. No.III.



5. In the affidavit annexed with IA No. IV the petitioner averred that, on account of accident grievous injuries petitioner being settled in Jannapura village Gonibeedu Hobli, Mudigere Taluk and due to accidental injuries he lost control over his body as he was not able to sit properly without assistance of anyone and due to which he was operated and he was not aware of the charge sheet filed by the complainant police and they are not informed anything about this. On the other part plaintiff shifted to Bangalore for further treatment as well as his office work and due to corona pandemic disease the delay has been caused. Hence the delay was caused and it is not intentional one for the bonafide reasons be pleased to condone the delay in preferring this petition. Hence, prays to condone the delay and allow IA No. IV.

6. The respondent No.2 has filed objection to the IA No. IV and prays to dismiss the IA.

7. Heard both the sides and perused the records.



8. The Points for my consideration on I.A.No.III and IV are :

1. Whether petition is liable to be rejected as barred U/order 7 rule 11(d) of CPC?

2. Whether the petitioner has made out grounds to condone the delay?

3. What order?

9. My findings on the above Points are as below:

Point No.1 : In the Negative

Point No.2 : In the Affirmative

Point No.3 : As per final orders

for the following:

REASONS

10. Point No.1: The petitioner has filed this claim petition towards the injuries sustained by him in the Road traffic accident that occurred on 18.03.2021 at about 8.30 PM on Mysore – Bengaluru road, near Mandya, VC Form Gate Hams, Mandya, Mandya District. Now the case is posted for petitioner evidence.



At this juncture, the respondent No.2 has filed this I.A.No.IV U/o VII rule 11(d) of CPC to reject the petition.

11. The petition has filed application to condone the delay took place in filing this petition.

12. It is averment of the respondent No.2 that, petition is not maintainable either in law or on facts, it is barred by limitation, the petitioner filed petition after lapse of 6 months. As per petition accident has taken place on 18.03.2021, but the petition filed on 15.05.2023. Hence respondent No.2 prays to reject the petition.

13. On the other hand petitioner stated that, due to the accident he sustained injuries settled in Jannapura village Gonibeedu Hobli, Mudigere Taluk and due to accidental injuries he lost control over his body as he was not able to sit properly without assistance of anyone and due to which he has operated and he was not aware of the charge sheet filed by the complainant police and they are not informed anything about this. On the other part plaintiff shifted to Bangalore for further treatment as well as his office work and due to corona



pandemic disease the delay has been caused. Hence the delay was caused and it is not intentional one for the bonafide reasons. Hence he prays to dismiss the IA No. III and allow I.A.No.IV.

14. Here, the petitioner contended that, the amended provision of the IMV Act Section 166(3) is prospective and not retrospective. The present application is filed only with an intention to harass the present petitioner. The intention of the legislature and very fact of bringing the act like MVC to get compensation is socio economic condition of the families of the deceased and their well being and that cannot be curtailed by these types of alleged applications on technical matter. Hence petitioner prays to reject the application.

15. The present application filed by the respondent No.2 is Under Order VII rule 11(d) of CPC. The respondent stated that the accident took place on 18.03.2021 where as the claim petition has been filed on 15.05.2023 after lapse of limitation period.

16. The counsel for respondent No.2 submitted that as per the amendment Act, the petitioner has to file



claim petition within 6 months from the date of accident, but the present petition is filed after laps of the period of limitation. Hence, the petition is not maintainable.

17. On perusal of the record it reveals that the accident took place on 18.03.2021 the petitioner has taken the contention that, due to the accident he sustained grievous injuries and he was under prolonged medical treatment and not in a position to move freely or attend to his day to day affairs. He was advised rest for several months and remained dependent on others for mobility and support. In addition, petitioner faced considerable difficulty in obtaining the certified copies of police records, medical documents and other necessary papers required to institute the claim petition. Hence delay has been caused in filing the petition. On perusal of the record it is clear that the petitioner sustained grievous injuries. Therefore, there is sufficient grounds to delay in filing the petition. So far the statutory provisions with regard the limitation is concerned, under the old Motor Vehicle Act 1939 the period of limitation for filing application for compensation was 6 months from the date of the accident, but proviso to section 110 (A) of the Act, empower the tribunal to entertain the



application even after the expiry of 6 months after having satisfied that the claimant was prevented by sufficient cause for making such application. In respect of the provision this court has relied following judgments: -

a. WP No. 201961/2023 between the Divisional Manager United India Insurance Company Ltd., Vs Ramu @ Ramesh and others.

b. 2023 live law (KER) 50 Akshay Raj-VS Ministry of Law and Justice Legislative Department.

c. 2023 live law (SC) 9 between Sabarmati Gas Ltd., Vs Shah Alloys Ltd.,

18. Upon careful perusal of principles laid down in the above citations. On the judgment passed by the Hon'ble High Court of Kerala reported in 2023 Live Law (Ker) 50 in the case of **Akshay Raj-VS Ministry of Law and Justice Legislative Department**, wherein held that

“As a fall out of my findings the impugned orders are set aside, it is held that the provisions of the limitation Act would be applicable for entertaining the petitions for claiming of the compensation even beyond the period of 6 months, for, by taking into consideration, Rule 17 of



Annexure XIII framed under Rule 150A of the Central Motor Vehicles Rules 1989, the limitation to entertain the claim petition cannot be restricted to six (6) months as there is no provision in the Act excluding the applicability of provisions of Section 29(2) of the Limitation Act. In other words, it is held that the claim petitions, if filed beyond the period of six months cannot be dismissed in limine.

Further held that the Judicial Academy is requested to sensitize all the stake holders as early as possible with respect to the provision of the Motor Vehicles Amended Act and the Rules to ensure the mandate of law so that the litigants are not made to suffer for having not filed claim petitions within a period of six months. All the MACT's are directed to entertain the petition and decide the same, in accordance with law. Registry is directed to circulate the copy of the judgment to all the MACTS to entertain and try the petitions under the Motor Vehicles Act in view of the observations aforementioned.”

19. The principle laid down in the above judgment it is clear that even beyond the period of 6 months the claim petition can be filed for seeking the compensation in respect of the road traffic accident. The claim petition



is not considered as the suit or appeal. Hence, under the provision of order VII rule 7 of CPC it cannot possible to reject the petition. Thus, in view of my above discussion this court answers **point No.1 in the Negative and point No.2 in the Affirmative.**

20. Point No.3: In view of my findings on points, this court proceed to pass the following:

ORDER

I.A.No.III filed by respondent No.2 U/o VII rule 11(d) of CPC is hereby rejected.

I.A.No.IV filed by petitioner U/Section 5 of limitation Act is hereby allowed.

No order as to cost.

(Dictated to the stenographer, transcribed by her, then corrected by me and pronounced in the open court on this the 03rd day of November 2025)

(Prakash. P.M)
Senior Civil Judge & JMFC.,
Mudigere