

KACM510003652023



**IN THE COURT OF THE SENIOR CIVIL JUDGE AND
JMFC AT N.R.PURA, ITINERATE AT KOPPA**

Present: Sri Raghunatha Gowda K.T., B.Com.,L.L.B,
Senior Civil Judge & JMFC., N.R.Pura, Itinerate at Koppa

Dated this the 13th day of February, 2026

MVC No.317/2023

BETWEEN:

Sri K.S. Chandrashekara,
S/o Late. K. Srikanta Bhatta,
aged about 65 years,
Agriculturist and Coolie Work,
R/o Halamathur, Koppa Taluk.

...Petitioners.

(Represented by Sri B.C.V.S., Advocate)

V/s.

AND:

1. Sri Vivekananda,
S/o Maanappa, Driver,
aged about 24 years,
R/o. Bhudanooru, Shahapura,
Surapura Taluk, Yadagiri District.
2. The Manager,
Reliance General Insurance Co. Ltd.,
No.28, 5th Floor, Southern Portion



East Wing, Centenary Building,
M.G. Road, Gangalore – 560 001.

...Respondents.

(Respondent No.1 placed ex-parte and Respondent No.2 Sri
C.O.Y., Advocate)

I.A. NO.VIII

BETWEEN:

The Manager, Reliance General Insurance Co. Ltd.,

...Applicant/Respondent No.2

V/s.

Sri K.S. Chandrashekhara

...Opponent/Petitioner

ORDER ON IA NO.VIII

When the matter posted for argument at this stage the respondent No.2 filed I.A. No.VIII under Order VII Rule 11(D) R/w. Section 166(3) of Motor Vehicle (Amendment Act – 2019) Act to dismiss the petition as it is barred by law of limitation.

2. In support of this application the Manager of respondent No.2 filed his affidavit contended that the



petition filed by the petitioner is not maintainable, because after lapse of Six months from date of accident the present petition is filed and as per Section 166(3) of I.M.V. Act the petition has to be filed within six months from the date of accident. As per the petition avernments the accident has taken place on 05.12.2022, but the petition has instituted after lapse of six months. Hence the petition cannot be entertained as per new amendment. Hence he prays to reject the petition, if the petition is not rejected and permitted to proceed with the case the respondent No.2 will put into hardship. Hence he prays to reject the petition.

3. Per contra the petitioner counsel filed objection to said application contended that application filed by the respondent No.2 is not maintainable either in law or facts. Further he specifically contended that due to accidental injuries the doctor advise to the petitioner to take rest for a period of Two years and he was unable to contact his advocate and the Motor Vehicle Claims are the beneficiary legislation. Hence he prays to reject the said application.

4. Heard arguments on both side.



5. Upon hearing arguments and on perusal of materials placed on record the following points that would arise for my consideration.

POINTS

1. Whether the respondent No.2 made out ground to reject the petition?
2. What order ?

6. My findings to the above points are as under.

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

Point No.2: As per order
for the following.

REASONS

7. **POINT NO.1:** Order VII Rule 11 of CPC postulates for rejection of plaint in the circumstances given therein. In the instant case, Respondent No.2 is trying to invoke Order VII Rule 11(D) R/w. Section 166(3) of Motor Vehicle Act as claim petition is filed after six months from date of accident as per the amendment notified of the Motor Accident Claims. The accident in question was occurred on 05.12.2022 at about 03-30 pm, the petitioner was proceeding by riding his Bajaj Platina bike bearing



registration No.KA.18 – EG.5500 from Beguru to Halamathhuru, when he reached near in front of B.C.M. Hostel, Beguru at the time the respondent No.1 came from opposite direction in his Maruthi Swift Car bearing registration No.KA.03 – AE.3078 in a rash and negligent manner dashed against his bike, due to accident he has sustained grievous injuries. Immediately after the accident he was shifted to Government Hospital, Sringeri. Thereafter he was shifted to Taluk General Hospital, N.R.Pura.

8. The petitioner filed the instant petition against the respondents claiming compensation for grievous injuries caused in the road traffic accident dated 05.12.2022.

9. It is the contention of the respondent No.2 company that, claim petition is filed after six months from date of accident, hence the petition is barred by limitation as per the amended provisions of the M.V. Act.

10. As the amendment carried out to the provision 166 of Motor vehicle Act on the year 2019 and same is prospective effect from 01.04.2022. But the Hon'ble Kerala High Court said that the petition can not be dismissed on



point of limitation as per amendment provision, against which as appeal is pending before Hon'ble SC filed insurance companies.

11. Further in view of the judgment passed by the Hon'ble High Court in **W.P. No.201961/23, dated 21.07.2023 in between the Divisional Manager, United India Insurance Company Ltd., V/s. Ramu @ Ramesh** and others at para No.27 the Hon'ble High Court held that "the M.V. Act being a beneficial Act, the provision thereof had to be given beneficial meaning and effect. The benefit under Act cannot be taken away on a technical aspect that too of limitation, thus the trial court having applied Section 5 of Limitation Act to the fact situation. The ratio laid down in the said judgment is applicable to the facts and circumstances of this case. Hence there is no merit in the said application filed by the respondent No.2. Hence the application filed by the respondent No.2 company is not deserves to be allowed. Hence **point No.1 answered in the Negative.**



12. **Point No.2:** In view of the discussions made above this court proceeds to pass the following:

ORDER

I.A. No.VIII filed by the applicant/
respondent No.2 under Order VII Rule
11 R/w. Section 151 C.P.C. and Section
166(3) of Motor Vehicle (Amendment)
Act – 2019 is hereby dismissed.

No order for cost.

(Dictated to the Stenographer directly on the computer, then corrected and pronounced by me in the open court on this date the 13th day of February, 2026.)

Sd/-

(Raghunataha Gowda K.T.)
Senior Civil Judge & JMFC & MACT.,
N.R.Pura, Itinerate at Koppa.