

**IN THE COURT OF THE I ADDITIONAL SENIOR CIVIL
JUDGE & J.M.F.C., AT PUTTUR**

: PRESENT :

**Devaraj Y.H., B.A.L., L.L.B,
1st Additional Senior Civil Judge & JMFC.,
Puttur, D.K.**

DATED THIS THE 18th DAY OF DECEMBER, 2025.

:: M.V.C No. 458/2025 ::

PETITIONER - Shri. Raghavendra

Versus

RESPONDENTS K. M. Musthak and another

**ORDER ON IA No. IV FILED BY THE RESPONDENT
No.2 UNDER SECTION 166(3) MOTOR VEHICLE ACT**

Counsel for the Respondent No.2 filed this IA and prays to dismiss this claim petition stating that the same is barred by Limitation.

2. In support of the IA, Counsel for the Respondent No.2 filed Memo of Facts and stated that the petitioner has filed the present petition for compensation

beyond Limitation period, hence prays to dismiss this petition.

3. On the contrary counsel for the petitioner filed objections to the IA and contended that the IA filed by the Respondent No.2 is not maintainable either in law or on facts. It is stated that the application filed by the respondent no.2 is with malafide intention and is an abuse of process of law. It is stated that petitioner sustained grievous injuries in road traffic accident case and from 20-06-2024 to 09-02-2025 he had taken bed rest as well he was unable to do any work. It is stated that petitioner is an uneducated and the police have not provided the required documents in time as well he was not aware that the claim petition ought to have filed within six months. It is stated that there is delay in filing the petition and at the time of filing the petition, application for condonation of delay along with affidavit

was also filed. It is stated that petitioner showed sufficient cause to condone the delay hence prays to dismiss the IA.

4. On the basis of above pleadings of both parties, the following points arisen from my consideration.,

POINTS

(1) Whether the Respondent No.2 made out grounds to consider the IA No.4 and grant the relief as prayed for?

(2) What order?

5. Heard counsel for both parties. Perused the pleadings and other relevant material particulars available on record. My findings to the above points is as hereunder.,

Point No.1: In the Negative.

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

REASONS

6. **Point No.1:** Counsel for the Respondent No.2 argued that the alleged accident has taken place on 19/06/2024 where as the Motor Accident claim petition has been filed on 24/03/2025. Further argued that the claim petition has not been with in time limit as specified under the provisions Of M V ACT, hence prays to dismiss this petition.

7. On the contrary counsel for the petitioner argued that the IA filed by the respondent no.2 is not maintainable and they have not made out valid grounds to consider the IA. Further argued that the Motor Vehicle Act amendment has not been given effect entirely, only holding one Section, the respondent no.2 trying to evade its liability. Hence prays to reject this IA as not maintainable.

8. On perusal of the records, it reflects that the accident was occurred on 19/06/2024 and the present

petition is filed on 26/03/2025, as such the present petition is not filed within six months from the date of the accident.

9. The High Court of Kerala at Ernakulam in its decision OP (MAC) NO.6 OF 2023 dated 23/02/2023 in between AKSHAY RAJ Vs. MINISTRY OF LAW AND JUSTICE LEGISLATIVE DEPARTMENT, REPRESENTED BY THE SECRETARY, held that

“24. 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 the compensation even beyond the period of six 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.”.

10. The ratio laid down by the Hon’ble High Court of Kerala at Ernakulam in the above mentioned decision is aptly applicable to the facts of this case.

11. The Hon’ble Apex Court in its decision SLP (C) No – 8412-8413/2023 between ICICI Lombard General Insurance Co. Ltd. vs. Ayiti Navaneetha & Ors. held that “no Motor Accident Claim Tribunal or High Court should dismiss any compensation claim as time-barred until further orders.”

12. On perusal of the factual aspects of the present case, petitioner filed IA No.2 under Section 151 of CPC R/w Section 5 of the Limitation Act and prays to condone the delay in filing the claim petition and the same is still pending for consideration. Hence this Tribunal opines that the Respondent No.2 at this stage has not made out

grounds to consider the IA and dismiss the petition as prayed by them in this IA No.4. With all these discussions, I proceed to answer point No.1 in the Negative.

13.**Point No.2:** In view of my findings on above point No.1, I proceed to pass the following:

ORDER

IA No.IV filed by the Respondent No.2
under Section 166(3) Motor Vehicle Act is
dismissed.

[Dictated to the stenographer directly on computer and typed by her and the same is corrected and then pronounced by me in the open court on this 18th day of December, 2025]

[Devaraj. Y.H.]
1st Addl. Senior Civil Judge &
AMACT, Puttur.