

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

: PRESENT :

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

DATED THIS THE 23rd DAY OF JULY, 2025.

:: M.V.C No. 755/2024 ::

PETITIONER - Sri. Yakoob H. A.

Versus

RESPONDENTS Sri. Padmanabha and another

**ORDERS PASSED ON IA No. III FILED BY THE
RESPONDENT No.2 UNDER ORDER VII RULE 11(d)
R/w SECTION 151 OF CPC R/w SECTION 166(3)
MOTOR VEHICLES 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 Memorandum of Facts and stated

that the petitioner has filed the present petition U/s 166 of M V Act for compensation on account of injuries caused to him in the road traffic accident dated 15/10/2023.

3. It is stated that the offended vehicle bearing Reg No.KA-21-EC-3786 was allegedly insured with the respondent No.2 at the time of the alleged accident.

4. It is stated that the alleged accident has taken place on 15/10/2023, whereas the Motor Accident claim petition was filed on 07/05/2024. It is stated that the claim petition has not been filed within time limit as specified under the provisions of the Motor Vehicle Act, hence the claim filed by the applicant is barred by limitation and therefore it cannot be entertained, hence prays to dismiss this petition.

5. On the contrary counsel for the petitioner filed objections to the IA and contended that the IA filed by

the Respondent No.2 is false, frivolous and is not maintainable. Further stated that petitioner has also filed application seeking for condonation of delay by invoking the provisions of Section 5 of Limitation Act as on the date of institution of this petition before the Hon'ble Prl. District and Sessions Judge, Mangalore. It is stated that petitioner was suffered with grievous injuries and he has undergone treatment for fracture of lower end of Tibia and Fibula and he was under complete bed rest.

6. It is stated that respondent appeared on 21-01-2025 and filed the application on 03-06-2025. It is stated that this case already posted for evidence of he petitioner as such at this stage the application filed by the respondent no.2 can not be entertain.

7. It is stated that in order to avoid from the liability and to protract the proceedings of this case the present application is filed by respondent No.2. By

contending all these grounds counsel for the petitioner prays to dismiss the application.

8. On the basis of above pleadings of both parties, the following points arisen for my consideration.,

POINTS

(1) Whether the Respondent No.2 made out grounds to consider the IA No.3 and grant the relief as prayed for?

(2) What order?

9. 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

10. **Point No.1:** Counsel for the Respondent No.2 argued that the alleged accident has taken place on

15/10/2023 whereas the Motor Accident claim petition has been filed on 07/05/2024 i.e., after expiry of 06 months from the date of the accident. Further argued that the claim petition has not been with in time limit as specified under the provisions of Section 166 of the Motor Vehicle Act, hence prays to dismiss this petition.

11. On the contrary counsel for the petitioner argued that the claim petition has been filed with in time limit as specified under the provisions of Motor Vehicle Act, hence prays to reject this IA as not maintainable.

12. Perused the pleadings, IA, Objections and rest of the material particulars available on record. Admittedly this petition is filed under Section 166 of Motor Vehicle Act seeking for the compensation pertaining to the injuries caused in the accident. As per section 166(3) No application for compensation shall be entertained unless it is made within six months of the occurrence of the accident.

13. On perusal of the records, it reflects that the accident was occurred on 15/10/2023 and the present petition is filed on 07/05/2024, as such the present petition is not filed within six months from the date of the accident.

14. The Hon'ble High Court of Karnataka in its decision WP. No.201961/2023 in between Divisional Manager, United India Insurance Co. Ltd & Ors Vs. Ramu @ Ramesh & Ors, held that the Motor Vehicles Act is beneficial social legislation and should be liberally interpreted to serve accident within and further observed that technical objections based on limitation period should not over shadow the Act's purpose i.e., giving justice to the victims.

15. Further the Hon'ble 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.”.

16. The ratio laid down by the Hon'ble High Court of Karnataka and Hon'ble High Court of Kerala at

Ernakulam in the above mentioned decisions is aptly applicable to the facts of this case.

17. On perusal of the factual aspects of the present case, petitioner filed IA No.1 under Section 5 of Limitation Act R/w Section 151 of CPC 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.3. With all these discussions, I proceed to answer point No.1 in the Negative.

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

ORDER

IA No.III filed by the Respondent No.2 under Order VII RULE 11(d) OF CPC R/w Section 151 of CPC R/w Section 166(3) Motor Vehicles 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 23rd day of July, 2025]

[Devaraj. Y.H.]
Addl. Senior Civil Judge &
MACT, Puttur.