

**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 7th DAY OF JANUARY, 2026.

:: M.V.C No. 945/2024 ::

PETITIONER - **Savier Dsouza**

Versus

RESPONDENTS **Annu Mugeru and another**

**ORDERS PASSED ON IA NO. I FILED BY THE
PETITIONER UNDER SECTION 151 OF CPC R/W
SEC. 5 OF LIMITATION ACT**

Counsel for the petitioner filed this IA and prays to condone the delay in filing the claim petition in the interest of justice and equity.

2. In support of the IA, petitioner filed affidavit and stated that stated that he had sustained multiple injuries due to the accident as such he was bed winner.

Further stated that during the said period petitioner was not able to approach his advocate to give instructions to file the claim petition seeking for the compensation.

3. It is stated that delay in filing the petition is not deliberate and purely a bonafide mistake of the petitioner. It is stated that if the delay is condoned no hardship will be caused to the respondent no.3 otherwise if the IA is rejected petitioner would be put to irreparable loss and hardship which can not be compensated through any means. Hence prays to allow the IA.

4. On the contrary counsel for the respondent no.2 has not filed any objections to the IA no.1 but in their written statement they have specifically contended that the relief claimed by the petitioner is barred by Limitation as such they are not entitled to pay any compensation to the petitioner.

5. perused the IA and rest of the material particulars available on record. Below mentioned points arisen for my consideration.,

POINTS

(1) Whether the petitioner made out grounds to consider the IA no.1 filed under Section 151 of CPC r/w Sec. 5 of Limitation Act and grant the relief as prayed for?

(2) What order?

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

Point No.1: In the Affirmative.

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

REASONS

7. **Point No.1:** Perused the pleadings, IA, pleadings 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 damages caused to the vehicle of the petitioner 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.

8. On perusal of the records, it reflects that the accident was occurred on 07/06/2023 and the present petition is filed on 11/06/2024, as such the present petition is not filed within six months from the date of the accident.

9. The Hon'ble High Court of Karnataka in its decision passed at Kalburagi Bench in Writ Petition No.201961/2022 (MV) in between the Divisional Manager, United India Insurance Company Ltd., Vs. Ramu @ Ramesh and others, held that.,

“9. Sec. 5 of the Limitation Act provides for consideration of delay wherever any claim petition, appeal, etc., are filed beyond the period of limitation and provides descretion 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.....”

10. 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.”.

11. The ratio laid down by the Hon'ble High Court of Karnataka in Kalaburagi Bench and High Court of

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

12. Further 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.”

13. On perusal of the factual aspects of the present case, petitioner submitted that he was got injured in the accident, as such he could not able to approach his advocate and give information to file the petition seeking for the compensation, as such he could not able to file this claim petition within the time prescribed under Sec.166 of IMV Act. Since Sec.166 of the Motor Vehicle Act is a beneficial legislation as well the Hon'ble Apex Court has directed that the Motor Accident claims Tribunals not to dismiss any Motor Accident

Compensation as time barred in the decision as mentioned above and by considering the reasons mentioned by the petitioner in this IA, this Court opines that petitioner made out grounds to consider the IA and condone the delay in filing of this petition. Hence I proceed to answer point no.1 in the affirmative.

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

ORDER

IA No.1 filed by the petitioner under Sec.151 of CPC r/w Sec. 5 of Limitation Act is allowed.

Delay condoned in filing of the claim petition.

(Dictated to the Stenographer directly online, typed by her, print out taken corrected and then the Order pronounced by me in the open court today on 7th day of January 2026)

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