

**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 26th DAY OF DECEMBER, 2025.

:: M.V.C No. 1608/2024 ::

PETITIONER - Sri. T. Pandi Kannan

Versus

RESPONDENTS Sri. Davood B and another

ORDERS PASSED ON THE IA IV FILED BY THE
PETITIONER UNDER SECTION 5 OF LIMITATION ACT
R/W SECTION 151 OF CPC

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

2. In support of the IA, petitioner filed affidavit and stated that on 27-03-2024 at night time when he was proceeding in a Motor Bike bearing Reg. no.KA-21-

EC-0952 he met with an accident at Sampya of Puttur and for the same a case was registered before the Puttur Rural Police Station on 29-03-2024 as per Crime No.44/2024. Further it is stated that due to illness caused for the reason of road traffic accident, he was not able to move and contact the advocate in time to file the MVC petition within the stipulated period of time. It is stated that there is one day delay in filing of the claim petition as such in order to condone the delay the present application is filed. It is stated that if the IA is allowed no harm or injustice would be caused to the respondents but on the contrary if IA is rejected petitioner is going to cause irreparable loss and injury which can not be compensated through any means. Hence prays to allow the IA.

3.Counsel for the respondent no.2 filed objections to the IA and contended that the present petition is barred by Limitation and this petition is not filed

within the 6 months from the date of the accident as per the amended Motor Vehicle Act. It is stated that application filed under Sec.5 of Limitation Act does not attract the present petition as such the present petition is not maintainable. Hence prays to dismiss the IA with cost.

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

POINTS

(1) Whether the petitioner made out grounds to consider the IA No.IV filed under Sec. 5 of Limitation Act r/w Sec.151 of CPC 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 Affirmative.

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 had been taken place on 27/03/2024 where as the Motor Accident claim petition has been filed on 27/09/2024. Further argued that the claim petition has not been filed within time limit as specified under the provisions of M V ACT, hence prays to dismiss this petition.

7. 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 27/03/2024 and the present petition is filed on 27/09/2024 and the counsel for the petitioner submits that there is one day delay is there in filing the present petition seeking for the compensation.

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 submitted that due to injuries which were caused in the accident he was not able to contact his advocate and could not file this claim petition within the time prescribed under Sec.166 of IMV Act. Since the MV Act is the 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.

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

ORDER

IA No.4 filed by the petitioner under
Sec.5 of Limitation Act r/w Sec.151 of
CPC is hereby allowed.

Delay condoned in filing of this
petition.

[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 26th day of December 2025]

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