

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

Present:

SMT. SARVAMANGALA K.M.,
B.A. LL.B.,
I Additional Senior Civil Judge and JMFC.,
Hubballi.

MVC. No.113/2025

Dated this the 06^h day of October, 2025

Petitioner/s : Gopal S/o Fakkirappa More

.Vs.

Respondent/s : The Managing Director NWKRTC
and another.

PARTIES TO I.A. No.V

Applicant/s : The Managing Director NWKRTC
and another.

.Vs.

Opponent/s : Gopal S/o Fakkirappa More

- i. Provision under which : Under Order 7 Rule 11
application is filed of CPC and Sec. 166(3)
MV (Amendment) Act,
2019
- ii. Relief sought for : Seeking to reject the
petition as time barred
in the ends of justice
and equity.
- iii. The date on which : 03.07.2025
application is filed

- iv. Number of the application : V
- v. The date on which : 30.07.2025
objections are filed by
different opponents
- vi. The date on which orders : 06.10.2025
were passed on the said
application

ORDERS ON I.A. No.V

The counsel for respondent No.2 has filed an I.A. No.V under Order 7 Rule 11 of C.P.C and Sec. 166(3) MV (Amendment) Act, 2019 seeking to reject the petition as time barred and after amendments notified to the motor accident claims.

2. The petitioner has filed objection to the said application.

3. Heard arguments.

4. The following point is arises for disposal off the application.

“Whether the grounds of the application filed by the respondent No. 1 and 2 is comes under the purview of Order under Order 7 Rule 11 of C.P.C and Sec. 166(3) MV (Amendment) Act, 2019?”

5. My finding to the above point in the Negative for forgoing;

REASONS

6. In the affidavit in support of the present application it is stated that, the alleged accident took place on 01.05.2024

and petition was filed on 12.02.2025 which is more than 6 months from the date of incident. If we read Sec.166(3) of the amended Motor Vehicle Act the limitation prescribed is only 6 months and petition is to be filed within 6 months only. This being the prescribed limitation under the act and there is no expression under the provisions of MV act for condonation of delay. Therefore, invoking Section 5 of Indian Limitation Act does not arise at all for consideration as the prescribed limitation is the mandatory provision under the Act. Therefore, the claim petition is barred by the applicable provisions. In the memorandum of facts, the petitioner taken contention that he has been met with an accident dated 05.05.2024. And the claim petition filed on 12.02.2025 before this court for consideration, whereas the accident happened on 01.05.2024. Therefore, it is an undisputed fact that the said petition is being filed after lapse of statutory period of limitation to seek compensation, which is an eventually abuse of the said process. , procedure and contrary to the provisions of prevailing law and therefore to lead to impediment for respondent or applicant herein to protest this case effectively. That the recent amendment to Motor Vehicles Act, 1988 wherein the amendment to Section 166 of Class III contemplates the limitation of 6 months. Has to file client petition before the courts. For the ready reference, the very Section 166 subclass 3 is produced before. No application for compensation shall be entertained unless it is made within 6 months of the occurrence of the accident. The petitioner has filed the said petition after 6 months of occurrence of the

accident and amendment to Motor Vehicle Act. Therefore the applications must be Entertained within a period of 6 months from the date of accident 1.05.2024. Therefore, the petition is hit by Section 166(3) of Motor Vehicles Amendment Act, 2019. Therefore, the petition is not maintainable in the law.

7. Further, averred that the Ministry of Road Transport and Highways has already notified those new amended provisions of the Motor Vehicles Act, which have taken its effect from 14.02.2022. vide extraordinary gazette notification dated 25.02.2022. S.O.859.E, wherein the Central Government has notified that Sections 50 to 57 and 93 of the Motor Vehicles Amendment Act, 2019, which are in concerns to third party insurance and filing of claims before Motor Accident Claim Tribunal.

8. Therefore, the claim petition is itself barred by the applicable provisions of the Motor Vehicles Amendment Act, 2019. Hence, petition may kindly be rejected as the said cliam petition application is filed after 6 months from the date of occurrence of accident as per the amendments notified to the motor accident clients. Hence, they prayed for allow the application.

9. On the other hand, the counsel for petitioner filed objections to the said application, taken contention that The application filed by the respondent is false and vexatious one and it is not maintainable under M.V Act and it is deserves to be dismissed. The application filed by the respondent is a serious question of law. It must be accompanied with the affidavit of the respondent. Hence, it is not maintainable under

the memo of facts of the advocate. On this ground also the application is not maintainable in the eye of law. In the application they have mentioned along with application stated that the reason stated in the affidavit but they are not filed any affidavit, sub joined to the application.

10. *In this case also the petitioner has filed this petition claiming compensation for the injuries sustained in the accident. The cases filed under MV Act is a summary proceedings and not seriously applicable to the question of law and much serious in Evidence Act and other law. In this case the petitioner has already filed application U/Sec. 5 of Limitation Act. That application is pending for adjudication, already the respondent filed objections to the application filed by the petitioner along with the claim petition. Unless and until deciding the application U/Sec. 5 of Limitation Act, this application is not maintainable. Hence, prays to reject.*

11. *On perusal of the same it is noticed to the Court that the above petition is filed by the petitioner due to the injuries sustained in the road traffic accident. The counsel for petitioner filed the condonation of delay application along with the petition seeking condonation of delay in filing the petition, but the respondent No.2 filed the present application for reject the petition filed by the petitioner on the ground of delay and petition is barred by limitation.*

12. *On perusal of the petition the date of accident is*

01.05.2024 and the present petition has been filed before this court on 12.02.2025, nearly 03 months 11 days delay is caused in filing the present petition. In this regard this Court already observed that the counsel for petitioner taken specific contentions regarding delay is concerned.

13. The amendments made in the year 2019 and the rules which have been framed in the year 2022. 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, I am of the considered opinion that it cannot now be said that there is a blanket embargo under subsection (3) of Section 166 of the MV Act in entertaining a claim petition filed after the limitation period.”

14. Therefore, in the present case on hand, the application for condoning delay is allowed and delay of 03 months 11 days are condoned already, in such circumstances consider the application filed by the respondent to reject the petition is not necessary. Hence I answer the **point No.1 in the Negative.**

15. **Point No.2:-** For the above said reasons, I proceed to pass the following :

ORDER

I.A. No.V filed by the learned counsel for respondent No.1 and 2 under Order 7 Rule 11 of C.P.C and Sec. 166(3) MV (Amendment) Act, 2019 is hereby rejected as not maintainable due to condone the delay of 03 months 11 days under I.A. No.II.

*(Dictated to the Stenographer directly on computer, script corrected and then pronounced by me in the Open Court on this the **06th day of October, 2025**)*

Sd/-

*(Smt. Sarvamangala K.M.)
I Addl. Senior Civil Judge and JMFC.,
Hubballi.*