

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.255/2026

Dated this the 07th day of July, 2026

Petitioner/s : Mahmad Gous S/o
Rajesab Hanchinamani.

.Vs.

Respondent/s : Devappa @ Devendra S/o
Irappa Kanchanalli and
another.

PARTIES TO I.A. No.III

Applicant/s : Mahmad Gous S/o
Petitioner Rajesab Hanchinamani.

.Vs.

Opponent/s : Devappa @ Devendra S/o
Respondents Irappa Kanchanalli and
another.

- i. Provision under : Under Sec.5 of
which application is Limitation Act
filed
- ii. Relief sought for : Seeking an order to
condoning delay in
filing the present
petition.

- iii. The date on which : 23.03.2026
application is filed
- iv. Number of the : III
application
- v. The date on which : NIL
objections are filed
by different
opponents
- vi. The date on which : 07.07.2026
orders were passed
on the said
application

ORDERS ON I.A. No.III

The counsel for petitioner has filed an I.A. No.III under Sec.5 of Limitation Act seeking an order to condoning delay in filing the present petition.

2.The respondents have not filed objections.

3.Heard arguments.

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

“Whether the petitioner made out sufficient cause to condone the delay in filing the present petition as per I.A. No.III ?”

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

REASONS

6. In the affidavit in support of the present application it is stated that, the petitioner met with an accident on 22.01.2025 and he had serious injuries i.e., IMPRESSION-Right Distal 1.3rd of Femur Shaft # without DNVD and other grievous injuries and other fracture and as per wound and as per Discharge Certificate. He was confined to his residence and completely dependent on others for his day today activities and also he was emotionally upset and he was deep shock and he was unable to think rationally. It is further submitted that, he is the only earning member of his family and due to the accident, he had incurred lot of medical expenses of Rs.1,00,000/- and his family members were busy in arranging the medical expenses, he was not able to walk and depending on other completely concentrating on health and arrange the medical amount by taking hand loans from relatives.

It is further submitted that, he is Labour and do not have any knowledge about the legal affairs of compensation and as such he was unaware that he had to consult the advocate; to peruse his case further he did not have knowledge. That he would be getting

compensation for the injuries he sustained during the accident later on he was informed by his friend that he should seek legal assistant to order to get the compensation immediately he contacted to his lawyer who instructed him to file the present case. The present proceedings are summery in nature and do not require strict interpretation of law of limitation further the motor vehicles act is beneficial legislation which helps for the injured person to recover their medical bills and other loses arising out of the accident. The delay caused is neither intentional nor deliberate, but due to the lack of knowledge about the seeking compensation for the accident that has been cause to him. Due to the accident, he was mentally, physically, emotionally disturb and also his family members where completely disturbed and the most important facts for his family members was for him to get all right from the fractures that has been due to the accident and also to see that the medical bills are cleared and to adjust the money and as such there was a communication gap between himself and his family members and as such he could not contact any lawyers to seek their guidance to get the compensation. No loss or hardship will be caused to the respondents if the delay is

condoned on the other hand he will be put to irreparable loss and injury both in form of monetarily as well as emotionally. Hence, prayed to allow the application.

7. 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 present application along with the petition seeking condonation of delay in filing the petition. As per Gazette notification of India page No.73 dated:08.04.2026. On perusal of the same, it is noticed to the Court that the proviso clause is forthcoming after Sec.166(3).

(O) In section 166, after sub-section (3), the following proviso shall be inserted, namely;

"Provided that the Claims Tribunal may entertain an application for compensation after expiry of the said period of six months from the date of occurrence of the accident, but within a further period not exceeding twelve months, if it is satisfied that the applicant was prevented by sufficient cause from making an application within such period."

(R) In section 167, the words and figure "without prejudice to the provisions of Chapter X" shall be omitted.

(S) In section 168, after sub-section (3), the following sub-section and proviso shall be inserted, namely:

"(4) The application for compensation made under section 166 shall be dealt with by the Claims Tribunal as expeditiously as possible and endeavour shall be made by it to dispose of the application within a period of twelve months from the date of receipt of the application.

Provided that where any such application could not be disposed of within the said period of twelve months, the Claims Tribunal shall recorded its reasons in writing for not disposing of the application within that period."

On careful perusal of the above said notification it is noticed that 12 months time was fixed to file claim petition regarding any road accident is concerned.

9. On careful perusal of present petition it is noticed to the Court that the accident occurred on 22.01.2025 and claim petition was filed on 24.03.2026, nearly 02 months 02 days delay in filing the present petition.

10. Admittedly, the amendments made in the year 2019 and the rules which have been framed in the year 2022. Further it is required that, the investigating officer who registers the First Accident Report (FAR) at the time of accident is to forward the same to the jurisdictional court and FAR is required to be treated as a claim petition and the proceedings to commence immediately by issuance of notice to the insurance company. But in the present petition on hand, there is no material regarding FAR has been transmitted to the court. Any how, in this regard I would like to refer the decision of **Hon'ble High Court of Karnataka, Kalburgi Bench in writ petition No.201961/2023 dt:21-07-2023 in between the Divisonal Manager, United India Insurance Company Vs. Ramu @ Ramesh and others.** Wherein this decision the Hon'ble High Court of Karnataka, Kalburgi Bench clearly held that, “ Section 5 of the Limitation Act provides for condonation of delay wherever any claim petition, appeal, etc., are filed beyond the

period of limitation and provides discretion 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, 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.”

*Further I would like to refer the decision of **Hon'ble High Court of Kerala in reported in (2023) ACJ 940: (2023) 1ILR (Kerala) 750: (2023) 1KerLJ 629: (2023)2 KHC 70: (2023) 1 KLT 700: (2023) 1 TNMAC 182: in between the Akshay Raj Vs. Ministry of law and justice.***

*Wherein this decision the **Hon'ble High Court of Kerala held that** provisions of limitation act are applicable to claim petitions under section 166 of the motor vehicles act*

unless specifically excluded by the Act. The amendment to section 166(3) does not exclude the applicability of the limitation act.

11. Therefore, in the present case on hand, the petitioner examined as PW-1 for the purpose of enquiry on I.A. No.III. Anyhow, the grounds urged in the said application as well as the law laid down under the above said decision. This Court is of the opinion that if the delay in filing the present petition is condoned no hardship would be caused to other side because the above said petition is for beneficial one and petitioner has shown sufficient cause to condone delay in filing the said petition. Hence, this Court is of the opinion that if the application is allowed on cost no hardship caused to the other side, application is deserves to be allowed. Hence, I answer the **point No.1 in the affirmative.**

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

ORDER

I.A. No.III filed by the learned counsel for petitioner under Section 5 of Limitation Act is hereby allowed.

Resultantly delay in filing the

*present petition for the period of 02
months 02 days are hereby
condoned.*

*(Dictated to the Stenographer directly on computer, script
corrected and then pronounced by me in the Open Court on this
the 07th day of July, 2026)*

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

ANNEXURE

1.List of witnesses examined for the Petitioner/s:

P.W.1 Mahmad Gous S/o Rajesab
Hanchinamani.

2.List of documents exhibited for the Petitioner/s:

-NIL-

3.List of witnesses examined for the respondent/s:

-NIL-

4.List of documents exhibited for the Respondent/s:

-NIL-

sd/-

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