

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.311/2025

Dated this the 04th day of April, 2026

Petitioner/s : Pundalikappa S/o Hanumanthappa
Kalasad.

.Vs.

Respondent/s : Pappu Prasad S/o Badri Prasad
and another.

PARTIES TO I.A. No.I

Applicant/s : Pundalikappa S/o
Petitioner Hanumanthappa Kalasad.

.Vs.

Opponent/s : Pappu Prasad S/o Badri Prasad
Respondents and another.

- i. Provision under which : Under Sec.5 of
application is filed Limitation Act
- ii. Relief sought for : Seeking an order to
condoning delay in
filing the present
petition.
- iii. The date on which : 02.05.2025
application is filed
- iv. Number of the application : I

- v. *The date on which : NIL
objections are filed by
different opponents*
- vi. *The date on which orders : 04.04.2026
were passed on the said
application*

ORDERS ON I.A. No.I

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

2. *The respondents have not filed objections to the said application.*

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.I ?”

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 has filed the present petition claiming compensation for the injuries sustained by him in the road traffic accident and he had to undergo treatment in the hospital after the accident and since he had to stay in the house. The final report regarding the said case was submitted*

to the Hon'ble J.M.F.C. Court, Navalgund on 21.01.2025, after which he has obtained all the papers of the said case and filed the said application. Thereafter, he informed his counsel to get the papers related to the case and to file the case. The delay in filing the case is not condonable. The filing the above claim petition is neither deliberate nor intentional one. 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, on perusal of the petition the date of accident is 20.09.2024 and the present petition has been filed before this Court on 02.05.2025, nearly more than 1 months 13 days, hence, delay is caused in filing the present petition.

8. 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.

9. *Therefore, in the present case on hand, the petitioner examined as PW-1 for the purpose of enquiry on I.A. No.I. 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 no hardship caused to the other side, application is deserves to be allowed. Hence, I answer the **point No.1 in the affirmative.***

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

ORDER

I.A. No.I 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 43 days is condoned.

*(Dictated to the Stenographer directly on computer, script corrected and then pronounced by me in the Open Court on this the **04th day of April, 2026**)*

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

ANNEXURE1.List of witnesses examined for the Petitioner/s:

P.W.1 Pundalikappa S/o Hanumanthappa
Kalasad.

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.