

**IN THE COURT OF II ADDITIONAL SENIOR CIVIL JUDGE AND**  
**J.M.F.C. HUBBALLI**

**Present:-** Smt. Deepa G Manerkar,  
B.Com. LL.B, (Spl.)  
II Addl. Senior Civil Judge & J.M.F.C.,  
Hubballi.

**Dated this the 29<sup>th</sup> day of June 2026**

**MVC No.851/2024**

Sri Samarth S/o Mahantayya Swami

**...Petitioner/s**

**-Versus -**

Smt. Renuka W/o Rudrappa Mungodi and others

**.....Respondent/s**

**:: IA.No.I ::**

Sri Samarth S/o Mahantayya Swami

**Applicant /Ptr.**

**-V/s -**

Smt. Renuka W/o Rudrappa Mungodi and others

**Opponent/Resp.**

**ORDERS ON IA NO.I FILED U/SEC. 5 OF LIMITATION**  
**ACT**

The present I.A. is filed by the counsel for the petitioner under Sec.5 of Limitation Act to condone the delay of 01 month 04 days in filing the petition.

2. In the affidavit accompanying the I.A the petitioner has sworn that accident occurred on 28-04-2024 and he had grievous injuries of fracture and displacement of fracture and displacement of displaced fracture of Type II right tibia fracture with deep abrasion wound up to MT bone right foot and he has sustained grievous injuries to his ribs as such his movements were restricted and he was confined to his residence and completely dependent on others for his day to day activities. That he was admitted as indoor patient at Sushruth Multispecialty Hospital & Research Center PVT, LTD., Hubballi from 28-04-2024 to 23-05-2024, and after his discharge he was under complete bed rest at his residence.

3. The petitioner was working as private work in Kirani shop do not have any knowledge about the legal affairs 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. That, the present proceedings are summary 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. That, 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. That, due to the accident, he was mentally, physically, emotionally disturbed and also his family members were completely disturbed as such he could not contact his lawyer to seek their guidance to get the compensation and production of the documents as per the

list are very much material and necessary. If the applications are allowed no loss, injustice or hardship would be caused to the respondents if it is not allowed he will suffer great loss and injustice. Hence, prayed to allow the IA.

4. The counsel for the respondent No.1 and 2 has filed memo to treat objection to main petition as objection to present IA and same is considered. In the objections, it is contended that the present petition is false, frivolous and vexatious and the reasons shown for condonation of delay are not satisfactory as such the present application is liable to be rejected. The petitioner himself has fallen down from the tractor trailer and same came to the knowledge of the respondent No.1 after one month and no injuries are caused to the petitioner by the vehicle of the respondent. That the complaint has been filed after 24 days without showing proper reasons. Since many persons had participated in the said profession, the respondent No.2 was driving the said tractor very slowly and the respondent No.2 is having driving

licence for the same. FIR has been registered against the respondent No.1 and there is no mention about same in the FIR and only charge sheet has been filed against respondent No.1 as on 28.02.2024, respondent No.2 was not driving the said tractor-trailer. Hence prayed to reject the application.

5. Based on above, the points that arise for his consideration is as under :

1. Whether the petitioner has made out grounds to condone delay in filing the petition?
2. What Order?

6. To prove the said I.A the petitioner is examined as PW-1. Respondents have not led any evidence.

7. Heard arguments from both side counsels.

8. his findings to the aforesaid points is as under :

Point No.1 : In the Affirmative.

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

**REASONS**

9. **Point No.1**:- The present petition is filed for claiming compensation by the petitioner in respect of injuries

sustained by him in road traffic accident. The main ground urged for condoning delay by the petitioner is that he had grievous injuries of fracture and displacement of fracture and displacement of displaced fracture of Type II right tibia fracture with deep abrasion wound up to MT bone right foot and he has sustained grievous injuries to his ribs as such his movements were restricted and he was confined to his residence and completely dependent on others for his day to day activities. That he was admitted as indoor patient at Sushruth Multi Specialty Hospital & Research Centre Hubballi from 28-04-2024 to 23-05-2024, and after his discharge he was under complete bed rest.

10. The petitioner who is examined as P.W.1 in his affidavit reiterated the avernments made in the present I.A. However, though the respondent No.2 contended that the reasons shown for condonation of delay are not satisfactory and present filed after 24 days without showing proper reasons P.W.1 is not cross examined by respondent counsel

on present I.A. hence, the evidence given by P.W.1 has remained unchallenged.

11. On going through the reasons assigned the condonation of delay it is satisfied that the petitioner was unable to file the petition in time due to some bonafide reasons on medical grounds. Moreover, the Hon'ble Apex court in **Special leave to appeal No.8412-8413/2023** has held that, during the pendency of said petition the Tribunal or the High Courts shall not dismiss the claim petition on the ground of such petitions as barred by limitation as prescribed under Sub-Section (3) or Sec.16(3) of the Motor Vehicles Act. Therefore, in view of the above decision and also as the grounds assigned by the petitioner to condone delay are satisfactory, I am of the opinion that the delay is to be condoned. Accordingly, point No.1 is answered in the **Affirmative.**

12. **Point No.2:** In view of findings on point No.1, this court proceeds to pass the following:

**ORDER**

IA No.I filed by the counsel for petitioner under Sec.5 of Limitation Act is hereby allowed on cost of Rs.500/-.

As a result delay of 01 month 04 days is hereby condoned.

(Direct dictated to the stenographer on computer typed by her, corrected and then pronounced in the open court on this the 29<sup>th</sup> day of June 2026.)

**Sd/-**  
**(Smt. Deepa G Manerkar)**  
**II Addl. Senor Civil Judge and JMFC**  
**Hubballi.**