

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.769/2025

Dated this the 11th day of March, 2026

Petitioner/s : The Divisional Controller,
North West Road Transport
Corporation.

.Vs.

Respondent/s : J P Transport Co. and another

PARTIES TO I.A. No.I

Applicant/s : The Divisional Controller,
Petitioner North West Road Transport
Corporation.

.Vs.

Opponent/s : J P Transport Co. and another
Respondent

- i. Provision under which : Under Sec.5 of Limitation
application is filed Act
- ii. Relief sought for : Seeking an order to
condoning delay in filing
the present petition.
- iii. The date on which : 28.10.2025
application is filed

- iv. Number of the : I application
- v. The date on which : Nil objections are filed by different opponents
- vi. The date on which : 11.03.2026 orders 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 respondent No.2 has 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 petition for claiming the compensation due to damage caused to the Bus. That on 20.11.2021 at about 3:00 p.m. driver of the bus bearing its

No.KA-25/F-2784 drove a bus from Hubballi-Belgavi-Kamplikoppa Village, when the driver of the bus came near Noolvi Cross, slowly, cautiously and left side of the road and abide by all the traffic rules at that time the driver of the respondent No.1's Lorry bearing its No.MH-04/KF-7280 came back side of the petitioner's bus rash and negligently, high speed and dangerous to human life and dashed to back side of the petitioner's bus as a result of it the bus was damaged. That their corporation is big corporate body, moreover, its prime motive is public utility service, its business is 'No profit and No losses', decision making for work is not in one hand, hence they are unable to contact their counsel for getting information about the case, and moreover. That the original documents was kept in the custody of late Shri. Prashanth Jadhav, Advocate and also some procedure followed by the petitioner corporation for granting permission from higher authority, hence, delay caused for filing this petition. Delay caused for filing this petition is not intentional but it is bonafide reasons. That if the delay is condone there is no loss or hardship would be caused, on the contrary more loss or hardship would be caused to the petitioner corporation if not condone. Hence, prayed to allow the application.

7. On the other hand, the respondent No.2 has filed objections and contended that the application filed by the petitioner under Sec.5 of Limitation Act is not maintainable since the Motor Vehicle Act, 1988 amended Act doesn't permit to file application for delay condonation. That as per

Sec.166(3) M.V. Act amended Act which is came in to force from 20.11.2021 and as per the said provision of the Act, no application for compensation shall be entertained unless it is made within six months of the occurrence of accident. It is submitted that there is no any inclusionary provision so as to condone the delay if any in filing the claim petition as such the intention of the statute is clear and unambiguous that the claim petition must be filed within 6 months from the date of accident and no claim petition is maintainable if it is filed beyond statutory limitation. It is further contended that the law of limitation may harshly affect a particular party but it has to be applied with all its vigour when the statute so prescribes and that the court has no power to extend the period of limitation on equitable grounds. Further, it is submitted that the hardship caused to an individual, cannot be ground for not giving effective and grammatical meaning to every word of the provision, if the language used therein, is unequivocal. Hence, the application filed by petitioner is not maintainable. Without prejudice to above contention it is submitted that the petitioner filed delay condonation application after filing of claim petition and the delay condonation cannot be given retrospective effect to the date of filing claim petition as such the application filed after filing of delayed claim petition is not maintainable as such the application is liable to be dismissed. It is further submitted that for the similar issues on limitation there are two High Court Judgment which has condoned the delay has been

stayed by the Hon'ble Supreme Court which is still pending for the final disposal. Hence, prayed to dismiss the application.

8. On perusal of the same it is noticed to the Court that the above petition is filed by the petitioner due to the damage caused to the Bus 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 20.11.2021 and the present petition has been filed before this court on 29.10.2025, nearly more than 3 years 5 months, delay is caused in filing the present petition. In this regard this Court already observed that the counsel for respondents taken specific contentions regarding delay is concerned.

9. The amendments made in the year 2019 and the rules which have been framed in the year 2022. but the above said accident is before present rules, 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 IA.No.I and got marked Ex.P.1 and the respondent No.2 has cross examined the P.W.1. 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 on suitable cost. 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 on cost of Rs.2000/-.

Resultantly delay in filing the present petition for the period of 3 years 5 months 9 days is condoned.

*(Dictated to the Stenographer directly on computer, script corrected and then pronounced by me in the Open Court on this the **11th day of March, 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 Shaheen Kousar Mulla S/o Mohammed
Hasan Mulla.

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

Ex.P.1 Authorization Letter.

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.