

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 11<sup>th</sup> 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.II**

Applicant/s : Bajaj Allianz General Insurance  
Co. Ltd.,

.Vs.

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

- i. Provision under which : Under Order 7 Rule  
application is filed 11(d) R/w Sec.151 of  
CPC R/w Sec.166(3) of  
MV Act.
- ii. Relief sought for : Seeking to reject the  
petition as time barred  
in the ends of justice  
and equity.
- iii. The date on which : 27.11.2025  
application is filed

- iv. *Number of the application : II*
- v. *The date on which : 28.10.2025  
objections are filed by  
different opponents*
- vi. *The date on which orders : 11.03.2026  
were passed on the said  
application*

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**ORDERS ON I.A. No.II**

*The counsel for respondent No.2 has filed an I.A. No.II under Order 7 Rule 11(d) R/w Sec.151 of C.P.C. R/w Sec.166(3) of MV Act, seeking to reject the petition as time barred by limitation.*

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.2 is comes under the purview of Order 7 Rule 11(d) R/w Sec.151 of C.P.C. R/w Sec.166(3) of MV Act ?”***

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 petitioner has filed the present petition under Sec.166 of MV Act for compensation on account of repair*

*expenses to Bus bearing No.KA-25/F-2784 that took place near NH 48 Road, Noolvi Cross turn the Bus for going to Belgali Village colluded 20.11.2021 at 3:00 p.m. in the alleged vehicle accident. The petitioner has made this respondent as a party to this case as alleged insurer of vehicle No.MH-04/KF-7280 contending that the vehicle was allegedly insured with this respondent at the time of the alleged accident. As per the documents on record it is pertinent to note that the alleged accident has occurred on 20.11.2021 at 3:00 p.m. The alleged accident has taken place as on 20.11.2021 at 3:00 p.m. whereas the Motor Accident claim petition has been filed on 28.10.2025. Delay of 4 years. After 6 months of limitation period from the date of occurrence of alleged mishap so it is submitted that, there is an inordinate delay on the part of claimants in filing the claim petition and it has not been filed within time limit as specified under the provisions of the MV Act. Hence, the claim petition filed by the applicant is barred by limitation and therefore, it cannot be entertained.*

*It is further submitted that in view of the provisions of the MV Act, 1988 (amended as in 2019) the Section 166(3) has come into effect from 1<sup>st</sup> April by the Central Government as per the notification passed on 25.02.2022. Sec.166(3) reads as, "No application for compensation shall be entertained unless it is made within six months of the occurrence of the accident." Hence, since the claim has been made at a belated stage i.e., after a period on 28.10.2025; delay of 4 years, after 6 months of limitation period from the date of the occurrence of the accident and hence, it is not a surviving claim and is totally*

*barred by limitation as per the amended provisions of the MV Act. At present there is no cause of action against this respondent insurance company and as such this respondent No.2 has been unnecessarily joined as party to the present proceedings in the capacity of the insurer of the vehicle bearing No.MH-04/KF-7280 allegedly involved in the alleged accident dated:20.11.2021 but since the claim petition is filed after a delay of 4 years. After 6 months of limitation period thus not tenable and maintainable in the eyes of law. Hence, prayed to allow the application.*

*7. On the other hand, the counsel for petitioner filed memo stating that I.A. No.I may be consider as objections to I.A. No.II and contended 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-Belgali-Kamplikoppa Village, when the driver of the bus driving and 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 endanger to human lie 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 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 damages sustained by petitioner vehicle 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.*

*9. 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 3 years 5 months delay is caused in filing the present petition. In this regard this Court already observed that the counsel for respondent taken specific contentions regarding delay is concerned.*

*10. 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.”

11. Therefore, in the present case on hand, the application for condoning delay is allowed and delay of 3 years 5 months 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.**

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

### **ORDER**

I.A. No.II filed by the learned counsel for respondent No.2 under Order 7 Rule 11(d) R/w Sec.151 of C.P.C. R/w Sec.166(3) of MV Act is hereby rejected as not maintainable due to condone the delay of 3 years 5 months under I.A. No.I.

(Dictated to the Stenographer directly on computer, script corrected and then pronounced by me in the Open Court on this the **11<sup>th</sup> day of March, 2026**)

sd/-

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