

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.647/2024

Dated this the 27th day of January, 2026

Petitioner/s : Gurusiddappa S/o Parappa
Ayatti.

.Vs.

Respondent/s : Ravikumar S/o Andanappa
Pattanashetti and another.

PARTIES TO I.A. No.IV

Applicant/s : National Insurance Company
Keshwapur, Hubballi.

.Vs.

Opponent/s : Gurusiddappa S/o Parappa
Ayatti.

- i. Provision under which : Under Order 7 Rule 11
application is filed of CPC.
- ii. Relief sought for : Seeking to reject the
petition as time barred
in the ends of justice
and equity.
- iii. The date on which : 17.07.2025
application is filed

- iv. *Number of the application : IV*
- v. *The date on which : 31.07.2025
objections are filed by
different opponents*
- vi. *The date on which orders : 27.01.2026
were passed on the said
application*

ORDERS ON I.A. No.IV

The counsel for respondent No.2 has filed an I.A. No.IV under Order 7 Rule 11 of C.P.C., 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 R/w Sec.151 of C.P.C. ?”

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 petition filed by the petition is time barred and is not maintainable in law. As per the amended Section 166 (3) of MVC Act 1998 with effect from 01.04.2022 which states that no application for compensation shall be*

entertained unless it is made within 6 months of the occurrence of the accident. As per the petition the date of accident is 10.10.2023, the application is filed claiming compensation on 29.08.2024, so the petition is time barred as it is filed after six months of the occurrence of the accident. Hence, petition be dismissed with cost. As a petition is time barred the petition is not maintainable in law. Hence, the petition be dismissed with costs.

7. On the other hand, the counsel for petitioner filed objections to the said application, taken contention that the application filed by the respondent is false and vexatious one and it is not maintainable under M.V Act and it is deserves to be dismissed. The petitioner due to injuries was unable to contact the advocate in time and get the damage assessed and file their petition in time, and as per the order of the Hon'ble Court the delay can be condoned and it is not barred by law to condone the delay. The respondent in order escape from the liability has filed this application to reject the petition filed by the petitioner, but the petitioner has caused loss, he has valid insurance, etc., and hence he has right to claim the damages of the vehicle caused to his vehicle. Therefore, the present application is not maintainable under law. That even adopting to such resort of procedure is unknown to law, as far as the MVC petitions are concerned because once the order is passed the remedy lies elsewhere, but not before this Court. The present application appears to have been filed with an intention to harass this petitioner and to avoid his right to

claim. 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 10.10.2023 and the present petition has been filed before this court on 29.08.2024, nearly 4 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 120 days 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.IV filed by the learned counsel for respondent No.2 under Order 7 Rule 11 R/w Sec.151 of C.P.C. is hereby rejected as not maintainable due to condone the delay of 140 days under I.A. No.II.

*(Dictated to the Stenographer directly on computer, script corrected and then pronounced by me in the Open Court on this the **27th day of January, 2026**)*

sd/-

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