

**IN THE COURT OF THE SENIOR CIVIL
JUDGE, AT NAVALGUND**

: P R E S E N T :

**SRI. MANJUNATH P. PANAGHANTI,
B.Com., LL.B.,
SENIOR. CIVIL JUDGE AND JMFC, NAVALAGUND.**

DATED THIS THE 03rd DAY OF MARCH, 2026

M.V.C No.525/2024

PETITIONER:

Shivakumar S/o Maruti Channadasar.

//VERSUS//

RESPONDENTS:

Ravikumar S/o Shivayogeppa Savadatti
and others.

PARTIES TO IA No.I

Applicant/Respondent-2:

The Regional Manager,
ICICI Lombard General Insurance Co.Ltd.

(By Sri. M.P.T, Advocate)

//VERSUS//

Opponent/Petitioner:

Shivakumar S/o Maruti Channadasar.

(By Sri. M.S.H, Advocate)

1. Provision under which : U/s 5 of Limitation Act .
application is filed;
2. Relief sought for : Applicant prayed to
condone the delay in filing
the petition.
3. The date on which : 08.07.2024.
application is filed
4. Number of the : IA No.I.
application
5. The date on which :
objections are filed by -
the opponent.
6. The date on which :
orders were passed on 03.03.2026.
the said application

ORDER ON IA No.I FILED U/s.5 of Limitation Act

1. The petitioner has filed the present application seeking condonation of the delay of 240 days in filing the claim petition.
2. In the affidavit filed along with the application petitioner contended that, he sustained grievous injuries in the accident happened on 31-05-2023 and he felt ill-health due to the said accident. He further contended that he has not received any notice from competent authority and as such he fails to file the

petition within prescribed period. Hence there is a delay of 240 days in filing the petition. The said delay is not at all intentional one and if the application on hand is not allowed then he will be put to irreparable loss and hardship. On the other hand if the application is allowed, then no harm will be caused to the other side. Thus, he prayed to allow the application.

3. Per contra, the respondent contended that, the application is not maintainable as the reasons mentioned therein are not true and correct. It is further stated that, Section 5 of Limitation Act is applicable only to appeal or any application. It is also stated that, the amended Motor Vehicle Act 2019 Sec.166 (3) shows that, the petitioners file the claim petition within 06 months from the date of accident and not mentioned any provisions for condone the delay for filing the claim petition under amended M.V.Act 2019. Hence, prayed to dismiss the application.
4. Heard the arguments by both learned counsel on IA No.I.

5. The point that arises for consideration are:-

P O I N T S

- 1) Whether the petitioner/
applicant has made out
sufficient grounds to condone
the delay in filing the petition ?
- 2) What Order ?

6. After considering the arguments addressed by both the sides and documents produced before me, I proceed to answer the aforementioned points for consideration as under :-

POINT No.1 : In the **Affirmative**.

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

: : R E A S O N S : :

7. **POINT No.1:** In the case on hand the alleged accident was occurred on 31.05.2023 and petitioner has filed the present petition on 08.07.2024. It is undisputed fact that, delay has been filed in filing the application before the Court. As per the contention of respondent, the application is not maintainable in view of the

mandatory provisions of Motor Vehicle Act. The reasons assigned by petitioner is that, he fell ill-health and got the charge sheet copy in the later period and as such there is no intentional delay in filing the petition. It is relevant to note that, as per the amendment to the motor vehicle act in the year 2022, the M.V.C petition has to be filed within six months from the date of accident. The records shows that, there is a delay of near about 240 days in filing the petition can be seen. Further the scope and object of Section 166 of Motor Vehicles Act is beneficial legislation and any provisions to be applied there to, would be also required to be applied beneficiary.

8. As per the Order passed by the Hon'ble High Court of Karnataka, it is quite clear that the Motor Vehicles Act is beneficial enactment and para No.9 of said judgment is as follows;

“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 M.V Act being a beneficial enactment Section 5 of the Limitation Act being enacted to provide succor to persons who have come to the 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 M.V 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 Sec.(3) of Section 166 of the M.V Act in entertaining a claim petition filed after the limitation period.”

9. In the case on hand, the sufficient cause as expressed by the petitioner is that, he has suffered from ill-health and got the charge sheet copy in the later period. The objection of providing a legal remedy is the repair the damage caused by the reason of legal injury. Therefore, it is just and necessary to decide the case on merits to meet the ends of justice by giving opportunity to the petitioner. It is settled law that, ***“in a benevolent legislature, the strict rules of C.P.C cannot be applicable.”*** In the instant case on hand, though there

is inordinate delay caused by the petitioner in filing the petition, but the delay itself does not snatch away the legitimate right of the petitioner. Hence, this Tribunal is of the opinion that, petitioner has made out sufficient grounds to condone the delay in filing the petition. Thus, with the above observation the application on hand is deserves to be allowed and accordingly this point is answered in the **Affirmative**.

10. Point No.2: For the reasons mentioned above, I proceed to pass the following ;

:: O R D E R ::

The IA No.I filed by the petitioner U/s 5 of Limitation Act is hereby **allowed** on cost of Rs.400/-.

Consequently, the delay in filing the claim petition is hereby condoned.

(Dictated to the Stenographer directly on computer, transcribed and typed by him, corrected, signed and then pronounced by me in the Open Court on this the **03rd day of MARCH, 2026.**)

(Manjunath .P. Panaghanti)
Senior Civil Judge and JMFC,
Navalgund.
