KAHS010030362025

IN THE COURT OF IV ADDL DISTRICT AND SESSIONS JUDGE HASSAN SITTING AT CHANNARAYAPATNA

PRESENT

SMT. KALPANA M.S.
B.Sc., LL.M., PGDCLCF.,
IV Addl. District and Sessions Judge,
Hassan (Sit at Channarayapatna)

DATED 15th DAY OF JULY 2026

M.V.C./679/2025

Claimant : Shivaraju
S/o Papanna,
Aged about 34 years,
R/o Agrahara Street,
Near Aralikatte,
Channarayapatna Town,
Channarayapatna Taluk,
Hassan District.

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

V/s

Respondents: 1. Azgar
S/o Mukthiyar,
Major,
R/o Bagur Road,
Shreedevinagar,
Channarayapatna Town,

Channarayapatna Taluk,
Hassan District.

(Owner of KTM 125 Duke bike bearing Reg.No.KA-05-KQ-4536)

2. Branch Manager
Bajaj Allianz General Insurance Company Limited,
No.1335/1, 1st Floor,
C.N.D Block,
Panchmanthra Road,
Kuvempu Nagara,
Mysuru-23.

(Policy No.OG-24-1904-1806-00104442 Valid from 20.10.2023 to 19.10.2024)

(Insurer of KTM 125 Duke bike bearing Reg.No.KA-05-KQ-4536)

(R1- Exparte
R2 by Sri.M.L., Advocate)

ORDERS ON IA NO.IV

This application under Order VII Rule 11(d) r/w/sec.151 of Code of Civil Procedure r/w/s. 166(3) of Motor Vehicle (Amendment) Act, is filed by the 2nd respondent-Insurance Company to dismiss the claim petition as it is barred by limitation, which is filed after expirty of 12 months from the date of occurrence of the accident.

2. In the annexed memorandum of facts, it is stated that as per the present claim petition, the claimant has met with an accident on 25.04.2024. This claim petition filed on 26.04.2025 is not within 6 months period prescribed by law. There is inordinate delay to seek compensation, which is eventually abuse of process and procedure and contrary to the provisions of prevailing law i.e. 166 (3) of amended Motor Vehicles Act. The Ministry of Road Transport and Highways has already noted the new amended provisions of the Motor Vehicles Act with effect from 01.04.2022, vide extraordinary gazette notification dated 25.02.2022. Therefore, the claim petition is barred by law and hence deserves to be rejected.

3. The claimant has filed objections opposing the application stating that he has already filed I.A.No.I under section 5 of Lmitation Act. The delay is not intentional, but for the bonafide reasons stated above. The 2nd respondent-Insurance company has filed this application to avoid

payment of compensation. The application is devoid of merits. Hence, deserves dismissal.

4. Heard both sides, perused the materials on record.

5. The points do arise for my determination are as under:

> 1. Whether the respondent No.2-Insurance company has made out grounds to dismiss this claim petition?
>
> 2. What order?

6. For the reasons to be stated hereinafter, my finding on the above points are as follows;

Point No.1 :	In the **Negative**
Point No.2 :	As per the final order, for the following:

<u>REASONS</u>

7. **<u>Point No.1:</u>** This application is filed by the respondent No.2-Insurance Company to dismiss the claim petition, on the ground of barred by prevailing law i.e. S.166(3) of Motor Vehicles (Amended) act, 2019. The claimant has opposed the application on the ground that delay is due to bonafide reasons that on account of accident,

he has already filed IA No.I under section 5 of Limitation Act and respondent no.1 has told to compromise the petition and hence, he could not able to contact the advocate in order to file the claim petition, which restricted him to take legal assistance immediately.

8. At the outset, Motor Vehicle Act is a benificiary legislation to provide compensation to the loss/injuries suffered by the innocent third person due to the fault of the drivers/riders of the offending vehicle/s. Hence, it is not proper to apply too technical approach to the dispute. Moreover, the Amendment Act 2019 clearly provides that in case the accident was within the knowledge of the jurisdictional police, it is their bounden duty to intimate the tribunal and Insurance Company about the accident and make necessary arrangements for disbursement of compensation to the innocent victim of the accident.

9. This aspect is dealt in detail by the Hon'ble Supreme Court of India in **Gohar Mohammed v. Uttar Pradesh State Road Transport Corporation and others in S.L.P.**

(C).No.32448/2018. The Hon'ble Supreme Court was pleased to observe that :

> ***Police are no more playing a mere role of Investigation authority. They are mandate by the Parliament to file reports with the claim Tribunal which should treat the same as a claim petition. It would be the duty of the Investigating officer to inform the injured/victim(s), legal representative(s), regarding their rights to supplying Form-II attaching flow chart within 10 days specifying the scheme to seek remedial measure. It would be the duty of the Investigating Officer to ask the information in Form-III and Form-IV from the driver and the owner respectively within 30 days. As per the new regime, on receiving the information, the Interim Accident Report (IAR) shall be submitted by the Investigating Officer to the Claim Tribunal within 50 days in Form-V along with relevant documents.***

10. Further, the **Hon'ble High Court of Madras** in the case of **Malaravan V/s. Praveen Travels Private Limited** in **C.R.P.2558/2023**, after considering the various provisions of the Act and Amendment Act and also considering the judgement of the Hon'ble Apex Court, pleased to held that:

> ***after the accident if no FIR is registered, the Limitation prescribed under the act would apply. If the FIR registered, then the duty is casted upon the police officers to send the report of the M.A.C.T. and the said report has to be considered as a claim***

petition and proceed in accordance with law.

11. In the latest decision the Hon'ble Supreme Court of India has pleased to observe in a case of **Bageerathi-Dash V/s. Union of India and another, WP(C) No.166/2024** that no Motor accident claim should be dismissed as time barred. That apart, amended Proviso to Sec.166(3) of Motor Vehicles Act. **JAN VISHWAS (Amendment of Provisions Act 2026; No.8/2026)** reads as under:

> ***"Provided that the Claims Tribunal may entertain an application for compensation after the expiry of the said period of six months from the date of occurrence of the accident, but within a further period not exceeding twelve months, if it is satisfied that the applicant was*** **prevented by sufficient cause from making an application within such period".**

12. In the light of the above observations, if we consider the facts and circumstances of this case, after filing the complaint on 27.04.2024, the police have lodged FIR in Cr.No.63/2024. An information of accident was given to the jurisdictional police immediately/as soon as possible. Therefore, S.166(3) of Motor Vehicle (Amended Act of 2019)

has no application to the case on hand. Whereas, **JAN VISHWAS (Amendment of Provisions Act 2026; No.8/2026)** is applicable to case on hand. Considering the fact that Motor Vehicle Act is a social beneficiary legislation, it is just and proper to permit the claimant to redress his grievance by prosecuting this claim petition. In that view of the matter, this court opined that respondent No.2-Insurance company has not made out grounds to dismiss the claim petition at threshold in this initial stage. Accordingly, point No.1 under consideration is answered in the **Negative**.

13. **POINT NO.2**: For the reasons discussed in the foregoing point, this court proceed to pass the following:

ORDER

I.A.No.IV under Order VII Rule 11(d) R/W/Sec.151 of Code of Civil Procedure R/w.Sec.166(3) of Motor vehicles Act filed by the respondent No.2-Insurance Company is hereby rejected.

There shall be no order as to cost.

(Dictated to the Stenographer Grade-III, transcribed and computerized by her, then corrected, signed and pronounced by me in open court on this **15th** day of **July 2026**).

(Kalpana M.S.)
4th Additional District and
Sessions Judge, Hassan District.
At Channarayapatna.