

KAHV510017482023



**IN THE COURT OF 1st ADDL. SENIOR CIVIL
JUDGE & AMACT, RANEBENNUR**

PRESENT: SRI. MANJUNATHA M.S., B.A., LL.B.
1st Addl.Senior Civil Judge & AMACT,
Ranebennur.

Dated this 4th day of December, 2025

MVC NO. 633 / 2023

PETITIONER :

Sri. Kashava Murthy G.H
S/o: Hanumanthappa, Age: 30 yrs,
Occ: Agriculture & Coolie,
R/o: # 615/1/4, Sushwaks Sadana, 6th main
6th Cross near Anjaneya Temple Lenin
Nagara, Nittuvalli, Tq & Dist: Davangere.

Now at: Magod, Tq: Ranebennur, Dist: Haveri.

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

V/s

RESPONDENTS:

1. Mr. Mohamed Sarof
S/o: Nazeer Husen, R/o: Sadbhavana Nagar
Banglegudde Kukkundoor, Tq: Karkala
Dist: Udupi.
(Owner of the vehicle No.KA.20/MA-2643).
2. The Legal Claim
SBI General Insurance Co. Ltd.,
2nd Floor, Kalburgi Hallmark, Pinto Road,
Desai Cross, Deshpande Nagar, Hubli.

Policy No : PO 1290622799499.

Valid from : 29-06-2022 to 28-06-2023.

**(R.1 placed exparte.
R.2 by Sri. N.M.B, Advocate).**

PARTIES TO I.A.NO.I

Applicant : Sri. Kashava Murthy G.H
(Ori.Ptr) S/o: Hanumanthappa.

V/s

Opponents : 1. Mr. Mohamed Sarof
(Ori.Resds) and another.

**ORDERS ON I.A.NO.I FILED U/SEC.5 OF
LIMITATION ACT**

The petitioner has filed the instant application U/Sec.5 of Limitation Act, seeking to condone the delay in filing the present petition.

2. In the affidavit filed in support of the application, the petitioner contended that, the present petition is filed seeking for the relief of compensation for the injuries sustained by him in the Road Traffic Accident that was occurred on 13-10-2022 due to rash and negligent driving of driver of one Car bearing Reg.No.KA.20/MA-2643. He further stated that, since he is an illiterate and unaware of the legal aspects regarding filing of the claim petition within time. The respondents assured to settle the matter. But they failed to do so. Hence, the delay has been caused in

filing the claim petition, the said delay is not intentional one and it is bonafide one. Hence, this Hon'ble court may kindly condone the delay in filing the petition by allowing the application in the interest of justice and equity.

3. Per contra, respondent No.2 has filed objections stating that, the application is not maintainable since it is post mature one as already this respondent has taken specific defense in their objections as the claim petition is barred by time and application filed U/Sec. 5 of Limitation act by the petitioner is not maintainable since the Motor Vehicles Act, 1998 Amended Act does not permit to file the application for delay condonation. Hence, liable to be dismissed. That as per Sec.166(3) of MV Amended Act which is came into force on 01-04-2022 and as per the said provisions of the Act, no application for compensation shall be entertained unless it is made within six months of the occurrence of the accident. It is further 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 six months from the date of the accident and no claim petition is maintainable it is filed beyond the statutory period. It is further submitted 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 ground for not giving effective and grammatical meaning to every word of the provision, its language and grammatical meaning to every word of the provision, the language used therein, is unequivocal. Further submitted that, the petitioner has filed the application for delay condonation cannot be given retrospective effect to the date of filing claim petition. As such application is not maintainable. It is further submitted that, there are no valid, cogent reasons to condone the delay in filing the claim petition. Hence, prays to dismiss the application.

4. Heard arguments. Perused the application, affidavit, objection and such other material placed on record. After going through the same, the following points are arise for my consideration:

1. Whether the petitioner has made out grounds to condone the delay of one month six days in filing the present petition by allowing the present application?

2. What order?

5. The above points are answered as under:

Point No.1: In the Affirmative.

Point No.2: As per final order for the following

REASONS

6. **Point No.1**: The present petition is filed by the petitioner seeking compensation for the injuries sustained by him in the Road Traffic Accident that was occurred on 13-10-2022. After filing this application, the respondent No.2 has filed IA No.IV U/Order VII Rule 11(d) R/W Sec151 of CPC R/W Sec.166(3) of MV Act for rejection of petition on the ground of limitation. Through this application, the petitioner has sought for condonation of delay of one month six days in filing the petition.

7. It is relevant to note that, as per the Motor Vehicle (Amendment) Act, 2019 with effect from 01-04-2022, the claim petitions have to be filed within six months from the date of accident. Further, the record discloses that, there is a delay of one month six days in filing this petition. The object of Sec.166 of M.V Act, being beneficial, any provision to be applied relating there to would be also be required to be applied beneficiary. The **Hon'ble High Court of Karnataka** in **WP No.201961/2023** in the case of **Divisional Manager, United India Insurance Co., Ltd., vs Ramu & others** has held after considering the various provisions of M.V Act, including Section 159, 160 and 161 amendment to the provision as held that, the delay applications have to be construed liberally. In the instant case on hand, there

is delay of one month six days and the reasons stated by the petitioner in the affidavit annexed to the application come within the ambit and sphere of reasonable cause. Hence, there is no impediment in considering this application. Further, it is also relevant to refer the decision of **Hon'ble High Court of Madras in CRP No.2558/2023** in the case of **Praveen Travels Ltd., vs Go Digital General Insurance Co., Ltd.**, In the said decision also, the Hon'ble Court had liberally interpreted the delay in filing the claim petitions. The **Hon'ble High Court of Karnataka** in the recent judgment in the case of **M/s Sriram General Insurance Co. Ltd. And others V/s Anil and others** in **NC No.2025 KHC -K:4606 in WP No.202613/2024 (GM-CPC) C/W with WP Nos. 202619/2024, 203335/2024 and 203459/2024**, the Hon'ble High Court of Karnataka has observed that, I am of the considered opinion that, the above petitions filed by the insurance company are not maintainable so condonation of delay granted by the tribunal is proper and correct so also the order passed by the tribunal in rejecting the application filed by the insurance company U/O 7 Rule 11 R/W Sec.151 of CPC and Sec.166(3) of MV Act.

8. The petitioner contended that, since he is an illiterate unaware of the legal aspects regarding filing of the claim petition within time and the respondents assured to settle the matter. But they failed to do so, hence, the

delay has been caused in filing the present petition. The reasons stated by the petitioner in the affidavit annexed to the application comes under the purview of reasonable cause. The sufficient cause is an expression which has been used in large number of statutes. The meaning of the word sufficient is “adequate” or “enough” in as much as may be necessary to answer the purpose intended. Therefore, the word sufficient embraces no more than that, which provides a platitude which when the act done suffice to accomplish the purpose intended in the facts and circumstances existing in a case and duly examined from the new point of reasonable standard of cautious man. In the pretext, sufficient cause means the party had not acted in negligent manner or there was a want of bonafide on his part in view of the facts and circumstances of the case or the party cannot be alleged to have been “not acting diligently” or “remaining in inactive”. The word “sufficient cause” does not have any straight jacket formula to be applied. The word sufficient cause varies on the basis of facts and circumstances of each case.

9. It is settled principle of law that, it is enough that, petitioner to show his bonafides. It is not incumbent on the petitioner to show the reasons for his previous delay. In such an event, it is just and necessary to provide him an opportunity to contest the petition. The procedures

must not become stumble-stone in reaching ends of justice it has to be aid in reaching ends of justice.

10. It is well settled principle of law that, expression sufficient cause is to receive liberal construction so as to advance substantial justice. The discretion is to exercise like any other judicial discretion with vigilance and circumspection. The true test is to see whether the applicants have acted with a due diligence or not. Since the petitioner was busy in taking treatment for the injuries sustained in the accident and delay in collecting the police documents, hence he could not file the petition in time. The another aspect which has to be considered at this juncture, is whether an irreparable loss or injury will be caused to the rival parties. If this application is rejected, the petitioner herein will be deprived with an opportunity to put-forth his claim and no prejudice will be caused to the respondents if this application is allowed. The technicalities should not snatch away the rights of the contesting parties in prosecuting the lis.

11. The procedure are not meant to destroy the right of the parties, it is meant to see that, the parties do not resort to dilatory tactics, but seek their remedy promptly. The object of providing a legal remedy is to repair the damage caused by reason of legal injury. Liberal construction so as to advance substantial justice

was to be made. If the delay is not condoned, the petitioner will be condemned an opportunity to contest and it is just and proper to decide the case on merits to meet the ends of justice by giving one more opportunity to the petitioner. As the principles of natural justice, AUDI ALTERUM PARTEM No one should be condemned unheard, this Court opines that, petitioner may be given with another opportunity. No forum of law wants to put an end to any dispute on technicalities and it is only the merits that prevail. This petition is filed under M.V Act. The legislative in other wisdom enacted in M.V Act, which is benevolent legislature. It is settled law that, in a benevolent legislature the strict rules of CPC cannot made applicable. In the instant case on hand, no doubt there is a delay caused by the petitioner in filing the petition, but that delay itself does not snatch away the legitimate rights of the petitioner. Therefore, in the touchstone of the discussions made above and reasons assigned thereon, this Court is of the considered view that, the petitioner has made out sufficient grounds to condone the delay in filing the petition. In the reasons stated above, this Court answers **point No.1 in the affirmative.**

12. **Point No.2:** For the foregoing reasons, I proceed to pass the following;

ORDER

I.A.No.I filed by the petitioner U/Sec.5 of the Limitation Act is hereby allowed on cost of ₹.200/-. Consequently, the delay of one month six days in filing the present petition is hereby condoned.

[Directly dictated to the Stenographer through computer, same is corrected and then pronounced by me in the open court on this **4th day of December - 2025**].

1st Addl. Sr. Civil Judge & JMFC.,
Ranebennur.