

KAHV510017502023



**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. 634 / 2023

PETITIONER :

Smt. Suma K.H
W/o: Halleppa, Age: 34 yrs,
Occ: Agriculture & Coolie,
R/o: Chikkamajjigere, Tq: Harapanahalli,
Dist: Vijayanagara.

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.II

Applicant : 1. The Legal Claim,
(Ori. Rsptd-2) SBI General Insurance Co. Ltd.,
2nd Floor, Kalburgi Hallmark, Pinto
Road, Desai Cross,
Deshpande Nagar, Hubli.

V/s

Opponent : Smt. Suma K.H.
(Ori.Ptr) W/o: Halleppa.

ORDER ON IA NO.II

The respondent No.2 has filed IA.No.II U/o 7 Rule 11 R/W Sec.151 of CPC & U/Sec.166(3) of IMV Act, praying to dismiss the petition as it has been filed after the expiry of six months from the date of accident.

2. Along with the application, the learned counsel for the respondent No.2 has filed memorandum of facts asserting that, the petitioner has filed the instant petition seeking compensation arising out of the injuries sustained by her in the road traffic accident occurred on 13-10-2022. The claim petition is filed on 19-05-2023 before this Hon'ble court for consideration whereas the accident happened on

13-10-2022 and therefore it is undisputed fact that, the said petition is being filed with an inordinate delay of almost one month six days to seek compensation, which is an eventually abuse of the set process, procedure and contrary to the provisions of prevailing law and therefore, lead to impediment for the applicant/ respondent herein to protest this case effectively. That the recent amendment to Motor Vehicle Act, 1988 wherein the amendment to Section 166(3) contemplates the limitation of six months, as to file claim petition before the courts. As per Section 166(3) of M.V Act, no petition for compensation shall be entertained unless it is made within six months of the occurrence of the accident. The petitioner has filed the said petition after six months of the occurrence of the accident. Therefore the petition is hit by Sec.166(3) of Motor Vehicles (Amendment) Act, 2019. Further contended that, the Ministry of Road Transport and Highways has already notified those new amended provisions of the Motor Vehicles Act, which have been its effect from 01-04-2022. Therefore, the claim petition is itself bared by the provisions of the Motor Vehicles (Amendment) Act, 2019. As such sought to reject the petition.

3. The learned counsel for the petitioner has filed objections to the IA No.II contending that, the said

application is not maintainable in law and the respondent No.2 has not filed this application under law. Hence, liable to be rejected. In the said accident, the petitioner has got fractures and claimed compensation for the same and due to the said fractures, it was not possible for the petitioner to visit the police station and to collect the relevant documents from the concerned police and delay in filing the charge sheet and to give instruction to her counsel. Hence, 30 days delay has been caused in filing the petition which is not intentional one. Hence, she sought to reject the application with cost.

4. On the basis of application and objections, the following points would arise for my consideration:

POINTS

1. Whether the respondent No.2 has made out grounds that, from the statement in the petition it appears that, instant petition is liable for rejection as barred by limitation?

2. What order?

5. Heard learned counsel for the respondent No.2 and petitioner. Perused material on record. My answer to above points is as under:

Point No.1 : In the Negative

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

REASONS

6. **Point No.1**: At the outset, petitioner filed instant petition seeking compensation for the injuries sustained by her in the Road Traffic Accident. It is the specific case of the respondent No.2 is that, the instant petition has not been filed within the period prescribed under Section 166(3) of the M.V Act (Amended). In view of the above, this Tribunal carefully perused Section 166(3) of the Act, which envisages that, no application for compensation be entertained unless it is made within six months of the occurrence of the accident. The accident was took place on 13-10-2022 and the petition was filed on 19-05-2023 and there is a delay of one month six days in filing the present petition. Admittedly, the petitioner has filed separate application U/Section 5 of Limitation Act, to condone the delay in filing the present petition. This Court by considered order allowed the application filed under Section 5 of Limitation Act and condoned the delay in filing the present petition. Once this Court condoned the delay by allowing the application U/Section 5 of Limitation Act, the present application would becomes infructuous.

7. Moreover, as per Rule 253 and 254 of the Karnataka Motor Vehicle Rules, 1989 reveals that, the

claims tribunal shall have powers of Civil Court for the purpose of the execution of award, as if the award is a decree of Civil Court and Sub Rule 2 of Rule 253 also empowers the claim tribunals to exercise all or any of the powers of the Civil Court as may be necessary in any of case for discharging its functions under the Act and Rules made thereunder. Similarly, Rule 254 provides that, some of the provisions of the code of Civil Procedure are made applicable to proceedings before the claims tribunal. As per Rule 254 only Order VII Rule 10 of CPC., is applicable to the proceedings before Claim Tribunal but not Order VII Rule 11 of CPC. Thus, provision of Order VII Rule 11 of the Code of Civil Procedure is not applicable to the proceedings before claims tribunals. Apart from this, there is no provision either under M.V Act 1988 or Central Motor Vehicles Rules or under Karnataka Motor Vehicles Rules empowering this tribunal to reject the instant claim petition, as such, instant application is liable to be rejected even on this count. In view of above, this tribunal is of view that, respondent No.2 has not made out sufficient grounds to allow this application. Accordingly, this Court answers **point No.1 in the negative.**

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

ORDER

**IA No.II filed by the respondent
No.4 U/Order VII Rule 11 R/w 151 of
CPC and Sec.166(3) of MV
(Amendment) Act, is hereby rejected.**

(Directly dictated to the Stenographer through computer, then corrected and pronounced by me on this 4th day of December, 2025).

**(Manjunatha M.S.)
1st Addl. Sr. C.J & AMACT.,
Ranebennur.**