

KAHV510017622023



**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 3rd day of January, 2026

MVC NO.640 / 2023

PETITIONER :

Mr. Jamaluddin
S/o: Peersab Benakanakond, Age: 31 yrs,
Occ: Shepherd, R/o: Hosa Hulihalli,
Tq: Ranebennur, Dist: Haveri.

(By Sri. G.S.S, Advocate)

V/s

RESPONDENTS:

1. Managing Director, VRL Logistics Ltd.,
Registered and admin office NH-4, Bengaluru
Road, Varur, Hubballi.

(Owner of the Lorry bearing Reg.No.KA.25/B-0939)

2. The Divisional Manager,
United India Insurance Co. Ltd., Enkay complex,
Keshwapur, Hubli, Dist: Dharwad.

Policy No : 2403003121P109407184.

Valid from : 23-12-2021 to 22-12-2022.

(R.1 by Sri. P.S.K, Advocate.

R.2 by Sri. R.S.S, Advocate).

PARTIES TO I.A.NO.III

Applicant : 1. The Divisional Manager,
(Ori. Rsptd-2) United India Insurance Co. Ltd.,
Enkay Complex, Keshwapur,
Hubli.

V/s

Opponent : Mr. Jamaluddin
(Ori.Ptr) S/o: Peersab Benakanakond.

ORDER ON IA NO.III

The respondent No.2 has filed IA.No.III U/o 7 Rule 11(d) & U/Sec.166(3) of IMV Act R/W Sec.151 of CPC, 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 alleged accident occurred on 06-10-2022 and the claim petition was filed on 24-05-2023 after lapse of six months from the date of accident. As per Section 166(3) of M.V Act, no application for compensation shall be entertained unless it is made within six months of the occurrence of the accident. The amended Section came into force from 01-04-2022. Hence, the present petition may kindly be dismissed in the interest of justice and equity. Thus, instant petition is barred by Sec.166(3) of M.V Act (Amended Act), as such sought to reject

the petition.

3. Learned counsel for petitioner has filed objections to instant application contending that, instant application is false, frivolous, bogus and vexatious, as such, the same is not maintainable either in law or on facts. Further contended that, the said application is filed only to drag on the present petition and the application is not supported with party affidavit as such it is hit by Civil Rules of Practice. As such the application is liable to be dismissed in limine. Due to non availability of police documents, the petitioner could not file the petition within six months. Hence, delay has been caused in filing the said petition, but it is neither intentional nor deliberate. Further submits that, as per Amendment of MV Act, the IO has to intimate to the concerned insurance company of the offending vehicle and then he has to conduct investigation about the accident. Hence, when the insurance company is having knowledge about the accident at the earlier instance, that itself is sufficient that, the cause of accident is within the knowledge of insurance company and limitation will starts from the said date itself. Further stated that, the cause of action was occurred prior to commencement of amendment to MV Act. But the respondent No.2 has filed the present application only to escape from

their liability to pay the compensation. Hence, he sought to reject the application with heavy cost.

4. On the basis of application and objections, the following points are 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 death of eight sheep in RTA. It is the specific case of respondent No.2 that, instant petition has not been filed within the period prescribed under Section 166(3) of the M.V Act (Amended). In view of 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. No doubt, in the present petition the accident was took place on 06-10-2022 and present petition is filed on 19-05-2023 and there is a delay of one month 13 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, the instant application is liable to be rejected even on this count. In view of the above, this tribunal is of the 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.III filed by the respondent
No.2 U/Order VII Rule 11(d) 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 3rd day of January, 2026).

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