KAHV510017682023

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. 643 / 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.IV

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

V/s

Opponents (Ori.Resds)	:	1. Managing Director, VRL Logistics Ltd., and another.

ORDERS ON I.A.NO.IV 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 of one month 18 days in filing the present petition.

2. In the affidavit filed in support of the application, the petitioner contended that, due to non availability of documents to file the said petition in time, hence, delay of one month 18 days has been caused in filing the said petition and the same is not intentional and carelessness one. If the said application is not allowed, he will be put to heavy and irreparable loss and injustice. On the other hand, no loss or injustice will be caused to the other side. 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 false, frivolous and

vexatious, as such, it is neither tenable under law nor on facts. Further, denied all the averments made in the affidavit. It is submitted that, the application filed by the petitioner is not maintainable. The alleged accident was occurred on 06-10-2023 and the claim petition was filed on 24-05-2023, hence, there is a delay of more than one month in filing the petition after lapse of stipulated period of six months. So it is crystal clear that, the petition is filed after lapse of two months. It is further submitted that, the petition is hit by limitation U/Sec.166(3) of MV Act, makes it clear that, no application for compensation shall be entertained unless it is made within six months from the date of accident. 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 13 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 death of one female sheep in RTA. The respondent No.2 has filed application 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. Thereafter the petitioner has filed the present application for condonation of delay of one month 18 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 13 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 13 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, due to non availability of relevant documents, 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 due to non availability of relevant documents, 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.IV filed by the petitioner U/Sec.5 of the Limitation Act is hereby allowed on cost of ₹.200/-. Consequently, the delay of one month 13 days in filing the present petition is hereby condoned.

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