

**IN THE COURT OF II ADDL.SENIOR CIVIL JUDGE &
JMFC, RANEBENNUR.**

**PRESENT: Sri. MAHANTESH G. BHUSAGOL. B.A., (Law)
LL.B.,
II Addl. Senior Civil Judge & J.M.F.C,
Ranebennur.**

MVC No.407/2023

Dated: This the 31st day of January 2026

Mr. Jagadish N. S/o Nagendrappa

....Petitioner

VS

Mr Shivakumar S/o Basappa and another,

....Respondents

I.A. No.III

Jagadish N S/o Nagendrappa

..Applicant/Petitioner

VS

Shivamkumar S/o Basappa and another one

...Opponent/Respondents

I.A. No.II

The United India Insurance Co., Ltd.,

..Applicant/Respondent No.2

VS

Jagadish N.

....Opponent/Petitioner

ORDERS ON I.A. No.II and III

The I.A No.III filed by the petitioner U/s 5 of Limitation Act 1963 for condonation of delay of 140 days. On the contrary, I.A No II filed by the respondent No.2 U/o 7 Rule 11 R/w Section 151 of CPC and U/Sec.166(3) of IMV Act, for relief of rejection of petition, as per Sec.166(3) of IMV Act “No application for compensation shall be entertained unless it is made within 6 months of the occurrence of the accident”. The amendment provision came into force from 01-04-2022 by virtue of gazette of India notification dated 25-02-2022, but, the accident was caused on 03-05-2022. Hence, the petition is delayed for 140 days. Hence, the petition is barred by law of limitation. Under these grounds prays to reject the petition.

2. Brief facts of the accompanying affidavit of IA No.III filed by the petitioner under section 5 of Limitation Act, as follows:

In the affidavit sworn to by the petitioner and it is contended that, due to the accidental injuries, he is unable to walk and within the time the police have not filed the chargesheet in time and he unable to get all the police records and other related documents, so, he unable to present the petition before the court for the delay of 140 days. Therefore, consider the sufficient cause of the petitioner condoned the delay of the same and proceed the case. Hence, prays to allow the application.

3. Respondent No.2 filed objection by denying the contents of the affidavit facts. As per Sec.166(3) of IMV Act “No application for compensation shall be entertained unless it is made within 6 months of the occurrence of the accident”. The amendment provision came into

force from 01-04-2022 by virtue of gazette of India notification dated 25-02-2022, but, the accident was caused on 30-05-2022. Hence, the petition is delayed for 140 days. Hence, the petition is barred by law of limitation. Therefore, prays to reject the IA No.1.

4. Brief facts of the accompanying memo of facts filed by Respondent No.2 in IA No.II U/sec. Section 166(3) of MV Act as follows:-

The petition is hit by Limitation U/s 166(3) of the Indian Motor Vehicles Act, 1988. As per Sec.166(3) the petition cannot be moved after 6 months from the date of occurrence of the accident. Since, there is a delay of 140 days, hence, the petition is not maintainable as it is barred by law of limitation.

5. The said applications resisted by the petitioner by filing objection and contended that the present application is not maintainable either in the eyes of law or on facts. Since the provisions of Motor Vehicle Act are beneficial act. In the Accident the petitioner sustained grievous injury and there was a delay to get recover from the said injuries. However, the police have also not filed the final report, due to which, delay was caused, to present the petition. Hence, the petitioner is entitled for delay of condonation as per Sec.5 of Limitation Act. Hence, under these grounds prays to dismiss the petition.

7. Heard arguments on both sides.

8. The points that arise for consideration are as under:-

- 1) *Whether the petitioner made out sufficient cause to condone delay of 140 days to present the petition?*

2) Whether the respondent No.2 prove that the petition is needs to be rejected as it is barred by law of limitation?

3) What order?

9. My findings on the above points are as follows:

Point No.1: In the Affirmative

Point No.2: In the Negative

Point No.3: As per final orders
for the following:

REASONS

10. **Point No.1 and 2:-** Since these points are interconnected with each other. Hence, in order to avoid repetition of facts and discussion taken together.

Before discuss the facts in issue, let me discuss the gist of the case. The petitioner filed the present petition U/s 166 of IMV Act seeking compensation, as the petitioner sustained injuries in the road traffic accident, which was occurred on 30-05-2022 at about 19.00 hours, near Ishwarappa's areca nut garden land at Bikkonahalli village of Shivamogga district, on account of rash and negligent driving of goods vehicle bearing Reg. No.KA-14/B-8987 by its driver.

11. The petitioner along with petition filed IA.III U/s 5 of Limitation Act for condone the delay of 140 days to present petition, on the ground that the police authorities made delay in submitting the charge sheet before the Court and since he has also sustained grievous injury and taken treatment in various hospitals as in patient and he could not contact his counsel to give proper instructions.

12. As against, the respondent No.2 has filed counter application to reject the petition on the ground that, the petition is barred by law of limitation, as per Sec.166(3) of IMV Act. The petition has to be moved within 6 months from the date of occurrence of the accident. Since, petitioner has not made out sufficient cause for condone the delay, hence, prays to dismiss the application and reject the petition.

13. The petitioner along with petition filed documents of police records pertaining to Crime No.133/2022 registered in Shivamogga Rural PS. As per records the accident was caused on 03-05-2022. As per wound certificate of petitioner is sustained simple and grievous injury to him. The present petition moved by the petitioner on 15-03-2023. So there is a delay to present the petition before the tribunal.

14. As per Sec.166 of MV Act, 1988 reads as follows:

166 (1) -----

[(2) -----

[(3) No application for compensation shall be entertained unless it is made within six months of the occurrence of the accident.]

(4)-----

[(5) -----

15. On a plain reading of the above provision Sec.166(3) made amendment and inserted by act 32 of 2019, S53(III) (w.e.f. 01-04-2022) Sec.166(3) speaks “No application for compensation shall be entertained unless it is made within 6 months of the occurrence of the accident.

16. Recently the **Hon'ble Apex court of India in the case of ICICI Lombard General Insurance Co. limited Vs Ayiti Navaneetha and others** wherein the Hon'ble Court directed the Tribunal or the High Court shall not be dismiss the claim petitions on the ground of such petitions as barred by limitation prescribed under Sec.(3) or Sec.16(3) of Indian Motor Vehicle Act.

17. On the other hand, the Hon'ble High Court of Judicature of Madras in **Malaravan V/s Praveen Travels Pvt. Ltd and Others in C.R.P. No.2558/2023 on 18-08-2023**. The Hon'ble Court adopted the view taken by the Kerala High Court in Akshay Raj's case at para 27 and 28 observed as follows.

"27. The Parliament in its wisdom has ensured that the hapless victims of motor accidents need not depend upon stakeholders in Court for the purpose of initiation of proceedings. The proceeding itself is initiated on the basis of the report filed by the Police Authorities. In effect, the petition under Sec.166 is only a reminder to the Court that the police have already filed the Detailed Accident Report containing all the requisite details like the First Information Report, Interim Accident Report, First Accident Report and therefore, it has to take up the said report as a claim petition. In other words, the claim petition is only a reminder to the Motor Accidents Claims Tribunal to perform its duty under Rule 21 Annexure XIII of Central Motor Vehicles Rules and to process the claim petition.

28. In view of the above discussion, it is clear that in cases where any request is filed and accessible by the Tribunal, then there will be no question of six months limitation arising. The issue of six months limitation will arise only in case where no FIR has been registered by the Police and no report has been sent/uploaded.

18. The observation made by the Hon'ble Court in cases, where any request is filed and accessible by the tribunal, then there will be no question of 6 months limitation arising. The issue of 6 months limitation will arise only in case where no FIR has been registered by the police and no report has been sent. So, in view of the Hon'ble Court the limitation of 6 months only arise in cases, where no FIR has been registered or no report has been sent.

19. Recently the Hon'ble High Court of Karnataka in Kalaburgi Bench following the decisions of the **Malaravan V/s Praveen Travels Pvt. Ltd and Others supra case in the case of M/S Sriram General Insurance Co.Ltd Vs Anil S/o Jagannath and Ors in WP No.202613/2024 C/W WP No.202619/2024, WP No.203335/2024 and WP 203459/2024 wherein at para 17 observed as follows;**

The Madras High Court in the case of Malrawan vs. Praveen Travels reported in 2023 SCC Online Madras 5467 has considered this aspect and held that the period of six months limitation would arise only in a case where no FIR has been registered by the police and no report has been sent or uploaded. An appeal having been filed challenging the judgment rendered

by the Hon'ble Madras High Court has been dismissed by the Hon'ble Apex Court on 02.02.2024.

17. In the present cases, there is a default on part of the jurisdictional police officer in filing the DAR,, which if it had been filed would have been within time, the same being required to be filed within 90 days. Therefore, there could be no question of even condonation of delay. The insurance company cannot also take advantage of the default on part of the investigating officer in not filing the accident reports more particularly the DAR.

20. The Hon'ble High Court of Karnataka in WP No.201961/2023 (MV) in the case of the **Divisional Manager, United India Insurance Co.Ltd V/s Ramu @ Ramesh S/o Yallappa and another one decided on 21-07-2023**. In this case the question was raised before the Hon'ble Court that Sec.166(3) of the IMV Act the operation of the Sec.5 of the Limitation Act conferring power on the criminal to condone the delay is excluded. But, the Hon'ble Court has opined that, the MV Act being a beneficial act the provisions there of had to be given beneficial meaning and effect. The benefit under the act, cannot be taken away on a technical aspect that to of limitation, thus, the trial Court having applied Sec.5 of Limitation Act to the fact situation, I do not find any infirmity thereof.

21. The above judgments clearly stated that, the provision of Sec.166 is attracted a provisions of limitation, due to which, it confirm the tribunal order which pass the order by condoning the delay. Further the Hon'ble Court opined that, as per Sec.159 of MV Act it is mandatory that, the police officer shall during the investigation prepare an accident information report, to facilitate the settlement of claim in such form and

manner within 3 months and containing such particulars submit the same to the claims tribunal and such other agencies, as may be prescribed. But, in this case the investigating officer failed to file accident information report within stipulated time.

22. So, considering the judgments rendered by Hon'ble High Court of Madras and Hon'ble High Court of Karnataka, wherein both the Courts have opined that, the tribunal has power to condone the delay, if sufficient cause is shown. However, the Hon'ble Madras and Karnataka High Court have taken a different view regarding limitation will arise only in case where no FIR has been registered by the police. But, in this case the FIR was registered and also final report submitted to the concerned Court.

2. Sec. 5 of the Limitation Act reads as follows:-

Sec.5. Extension of prescribed period in certain cases:- Any appeal or any application, other than an application under any of the provisions of Order XXI of the Code of Civil Procedure, 1908, may be admitted after the prescribed period if the appellant or the applicant satisfies the court that he had sufficient cause for not preferring the appeal or making the application within such period.

Explanation.—The fact that the appellant or the applicant was misled by any order, practice or judgment of the High Court in ascertaining or computing the prescribed period may be sufficient cause within the meaning of this section.

23. On plain reading of the above said act when the parties have shown the 'sufficient cause' then court can condone the delay and allow the petition which is filed beyond the limitation.

24. The learned counsel for petitioner has relied upon the Judgment reported in 2008 SAR (Civil) 789 Perumon Bhagyavathy Devaswom Perinadulu Vill – Vs- Bhargavi Amma (Dead) by LRs and others. Wherein the Hon'ble court by reiterated the ratio laid down in **N Balakrishna -Vs- M Kirshnamoorthy reported in 1998 (7) SCC 123** has held that at para No 9 and 11 are as follows;

9. It is axiomatic that condonation of delay is a matter of discretion of the court. Section 5 of the Limitation Act does not say that such discretion can be exercised only if the delay is within a certain limit. Length of delay is no matter, acceptability of the explanation is the only criterion. Sometimes delay of the shortest range may be uncondonable due to a want of acceptable explanation whereas in certain other cases, delay of a very long range can be condoned as the explanation thereof is satisfactory. Once the court accepts the explanation as sufficient, it is the result of positive exercise of discretion and normally the superior court should not disturb such finding, much less in revisional jurisdiction, unless the exercise of discretion was on wholly untenable grounds or arbitrary or perverse. But it is a different matter when the first court refuses to condone the delay. In such cases, the superior court would be free to consider the cause shown for the delay afresh and it is open to such superior court to come to its own finding even untrammelled by the conclusion of the lower court.

11. Rules of limitation are not meant to destroy the rights of parties. They are meant to see that 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. The law of limitation fixes a lifespan for such legal remedy for the redress of the legal injury so suffered. Time is precious and wasted time would never revisit. During the efflux of time, newer causes would sprout up

necessitating newer persons to seek legal remedy by approaching the courts. So a lifespan must be fixed for each remedy. Unending period for launching the remedy may lead to unending uncertainty and consequential anarchy. The law of limitation is thus founded on public policy. It is enshrined in the maxim interest reipublicae up sit finis litium (it is for the general welfare that a period be put to litigation). Rules of limitation are not meant to destroy the rights of the parties. They are meant to see that parties do not resort to dilatory tactics but seek their remedy promptly. The idea is that every legal remedy must be kept alive for a legislatively fixed period of time.

25. On combined reading of the above reported Judgments it is clear that, the courts while condoning the delay receive a liberal construction, so as to advance substantial justice and length of delay is no matter when the court has to consider acceptability of the explanation is the only criteria.

26. So, on overall considering, sec.5 of limitation Act and the ratio laid down by the Hon'ble Apex court of India in order to condone the delay the parties have to shown 'sufficient cause' and also shown there was no negligence or laches which is satisfactory explanation by accepting the court. Further the parties has to shown they have no knowledge regarding procedure and it was beyond their limits.

27. Coming to the case on hand in this case the cause for delay shown by the petitioners as he was injured due to met with an accident and due to police reports not received in time, due to which the delay was caused to file the petition. In the documents produced by the petitioner, wherein the wound certificate discloses that petitioner sustained grievous injury. So, the medical wound certificate shows that,

the petitioner has sustained grievous injury and there is a laid up period to get the petitioner recover from the said injury.

28. Though, the petitioner not produced discharge summary before the Court to show that, when he was discharged from the hospital, but, consider the injury he unable to contact the counsel and get the documents from the concerned police station.

29. Thus, considering the injury of petitioner at the time of accident he takes many days to cure the said injury. Therefore, there is a sufficient cause to file the petition with delay. As discussed above the Hon'ble Apex Court has clearly held that, if there is a merit of the claim, then even though there is long delay, but, it can be condoned with sufficient cause. Under such circumstances if the petitioner is able to show sufficient cause then, it is sufficient to condone the delay.

30. The object of Motor Vehicles Act 1988 is a beneficial act and if the delay is not condoned it will cause more hardship to the petitioner. However, the petitioner has shown sufficient cause for delay to file the petition. Therefore under such circumstances the petitioner made out sufficient cause to condone the delay of 140 days.

31. It is relevant to note here that, the petitioner has made out sufficient cause for condone the delay. Therefore though the respondent No.2 filed application to reject the petition U/o 7 rule 11(d) of CPC, as the petition is barred U/s 166(3) of MV Act. But this Court observed that since, the delay can be condoned by invoking Sec.5 of Limitation Act and as per the order of the Hon'ble High Court of Karnataka the provisions of Limitation Act also attracts Sec.166 of IMV Act. Therefore when petitioner is entitled to condone the delay, then the petition of petitioner is maintainable and it is not barred U/Sec.166(3) of

Limitation Act. **Accordingly, I answer point No.1 in the Affirmative and point No.2 in the Negative.**

32. **Point No.3:-** In view of my findings to points No.1 and 2 and discussion as stated above, I proceed to pass the following:-

ORDER

I.A. No.III filed by the petitioner under Section 5 of Limitation Act is hereby allowed.

Consequently, delay of filing petition for 140 days is hereby condoned. The petition filed by the petitioner is taken on record.

In view of the delay of filing petition is condoned, hence, the IA No.II filed by the respondent No.2 under order 7 Rule 11(d) of CPC and U/Sec.166(3) of MV Act, 1988 are hereby rejected.

No order as to cost.

(Dictated to Stenographer typed by him on computer, revised and corrected by me and then pronounced in the open Court, this the 31th day of January 2026)

(Mahantesh G.Bhusagol)
II Addl.Sr. Civil Judge & JMFC.,
Ranebennur.