

KAHV510053252023



**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. 1807 / 2023

PETITIONER :

Sri. Mohammed Muntazar Ulla
S/o: M.M. Ulla, Age: 32 yrs, Occ: Nil,
R/o: 7th cross, Tank Mohall Shivamogga,
Tq & Dist: Shivamogga.

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

(By Sri. N.S.P, Advocate)

V/s

RESPONDENTS:

1. Mr. Midhul Mukund
S/o: P. Mukund, Age: Major, Occ: Self
Employee, R/o: NO.922, 24th Cross, 16th main
Road, HSR Layout, 3rd Sector, Tq & Dist:
Bangalore.

(Owner of the Motor Cycle No.KA.01/EH-4574).

2. The Divisional Manager
The New India Assurance Co. Ltd. AM Arcade,
Near Vidyarthi Bhavan, CJ Hospital road,
Davangere.

Policy No : 68010031210200028731.

Valid from : 04-03-2022 to 03-03-2023.

**(R.1 not yet appeared.
R.2 by Sri. S.N.B, Advocate).**

PARTIES TO I.A.NO.II

Applicant : 1. The Divisional Manager
(Ori. Rsptd-2) The New India Assurance Co.
Ltd. AM Arcade, Near Vidyarthi
Bhavan, CJ Hospital road,
Davangere.

V/s

Opponent : Sri. Mohammed Muntazar Ulla
(Ori.Ptr) S/o: M.M. Ulla.

ORDER ON IA NO.II

The respondent No.2 has filed IA.No.II 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 accident occurred on 08-11-2022. The claim petition is filed on 10-10-2023, there is a delay of four months two days in filing the petition. That the petition is hit by limitation under Sec.166(3) of MV Act. As per Section 166(3) of M.V Act, no application for compensation shall be entertained unless it is made within six months of 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. Therefore, prays this Hon'ble court to dismiss the petition since the petition was filed after stipulated period of six months of the occurrence of the accident as per Sec. 166(3) of MV Act in the interest of justice. As such sought to reject the petition.

3. The learned counsel for the petitioner has filed objections contending that, the said application is not maintainable in law. Hence, liable to be rejected. In the said accident, the petitioner has got fractures and claimed compensation for the same. 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 his counsel, four months two days delay has been caused in filing the petition which is not intentional one. Hence, he 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 him 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 08-11-2022 and the petition was filed on 10-10-2023 and there is a delay of five months two 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 become 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.2
U/O 7 Rule 11 R/W Sec.151 of CPC and
U/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.**