

ORDERS ON I.A No.I

I.A.No.I has been filed u/Sec 5 of Limitation Act in order to condone the delay of 6 months 12 days in the filing the above petition.

The application is supported by the affidavit of the Petitioner wherein, he contended that, due to the accident, he has sustained grievous injuries. He was admitted in various hospitals and took treatment nearly for one year. Since he was completely in bed rest, he cannot appoint an advocate and give him necessary instructions to file the above claim petition in time. Hence, there is delay in filing this petition. If the application is not allowed, the Petitioner will suffer hardship, on the other hand, no hardship will be caused to Respondents, if the same is allowed. Accordingly, prayed to allow the application.

Heard. On perusal of the petition as well as from the submissions of the advocate for the petitioner, the court is of the opinion that, if at all the delay is condoned no much harm will be caused to the Respondent.

As per the decision of Hon'ble High Court of Kerala in 2023 LiveLaw (Ker) 50, the Hon'ble High Court clearly held that 'the provisions of Limitation Act would be applicable for entertaining the petition for claiming

compensation even beyond the period of 6 months, for by taking into claiming the consideration, Rule 17 of Annexure XIII framed under Rule 150A of the Central Motor Vehicles Rules 1989, the limitation to entertain the claim petition cannot be restricted to six months, as there is no provision in the Act excluding the applicability of Sec. 29(2) of Limitation Act’.

In other words, the claim petition of filed beyond the period of six months, cannot be dismissed in limine. The Rules to ensure the mandate of law so that, litigants are not made to suffer for having not filed claim petition within a period of six months. The Hon'ble High Court of Kerala directed all the MACTs to entertain the petition and decide the same. In view of the above decision and also for the reasons stated in the affidavit, the court is of the opinion that no harm will be caused if delay is condoned.

Accordingly, I proceed to pass the following;

ORDER

I.A. No.I filed u/Sec. 5 of Limitation Act by the Petitioner is hereby allowed.

The delay of 6 months 12 days in preferring the appeal is hereby condoned.

Issue notice to the Respondents through court R/by 13-06-2025.

Sd/-xxxx

**I Addl.District & Sessions Judge,
Kodagu, Madikeri.**