



**IN THE COURT OF THE III-ADDITIONAL DISTRICT &
SESSIONS JUDGE AT KOLAR
(SITTING AT K.G.F.)**

:: PRESENT ::

SRI. GANAPATI GURUSIDDA BADAMI,
B.A., LL.B. (Spl),
III-Additional District & Sessions Judge, Kolar,
(Sitting at K.G.F.)

DATED THIS THE **26th** DAY OF **MARCH-2025**

M.V.C. NO.257/2024

PETITIONER/S: **Sri. Narayanappa**
(Rep: by **Sri. S.B.C. Adv.**)

- V/s -

RESPONDENT: **The Manager,**
National Insurance & another
(Rep. R1 by **Sri. B.K. Adv,**
R2 – **Sri. K.V.P./S.R.J. Advs.**)

I.A. NO.1

APPLICANT/S: **Sri. Narayanappa**
- V/s -

OPPONENT: **The Manager,**
National Insurance & another



**ORDER ON I.A.No.1 UNDER SECTION 5 OF
LIMITATION ACT**

Petitioner has filed this application for condonation of delay of 528 days in filing the claim petition.

2. In the accompanying affidavit of petitioner, he has stated that, on 24.05.2022, he met with an accident and sustained grievous injuries on his body and he has undergone surgery for laceration measuring 3 x 2 cm over anterior aspect of middle third thigh and he is taking regular treatment at PES Medical College and Hospital, Kuppam and R.L.Jalappa Hospital, Kolar. He has further stated that, he has spent huge amount for treatment till 02.06.2023 and he could not able to file this claim petition within 90 days and there is delay of 528 days in filing this claim petition which is due to bonafide reason and not deliberate one. He has stated that, he has good case on merits and if his application is not allowed, he will suffer injustice, great hardship and irreparable loss and on the contrary, no kind of loss or hardship will be caused to other side. Therefore, he prayed to allow the application.

3. Respondent No.1 has filed objections to the application contending that, application is not



maintainable either in law or on facts and liable to be dismissed with costs. The petitioner met with an accident on 24.05.2022 and he has filed this claim petition on 16.11.2023 and there is inordinate delay in filing the claim petition. It is undisputed fact that, claim petition has to be filed within 6 months and there is inordinate delay in filing claim petition which is abuse of process, procedure and contrary to the prevailing law. The Ministry of Road Transport and Highways, Government of India has already notified new amended provisions under section 50 to 57 and 93 of Motor Vehicles Amendment Act 2019 vide extraordinary Gazette Notification bearing S.O.859(E) dated 25.02.2022 and Central Government has appointed 01.04.2022 as effective force of said provisions and these amended provisions relate to management of motor vehicle compensation claims. As per section 166(3) of Motor Vehicles Amendment Act 2019, claim petition has to be filed within 6 months before claims tribunal and this claim petition has been filed after expiry of period of limitation which has been registered due to ignorance of specific provision of law and claim petition is not



maintainable under law. Therefore, it is prayed to dismiss the application.

4. Petitioner himself examined as PW-1 in an enquiry on I.A.No.1 and closed enquiry.

5. Heard the arguments of Learned Counsel for Petitioner and Learned Counsel for Respondent No.1 and perused the materials on record.

6. Points arise for my consideration are:

POINTS

1. Whether petitioner has made out proper and sufficient grounds for condonation of delay of 528 days in filing claim petition?

2. What order?

7. My findings on the above points are as under:

Point No.1: In the **Affirmative**

Point No.2: As per **Final Order** for the following:

REASONS

8. **POINT NO.1:** Petitioner has filed this claim petition against the respondents claiming the compensation for



the injuries sustained in the road traffic accident. According to the petitioner, on 24.05.2022, he has met with an accident and he has sustained grievous injuries on his body and he has undergone surgery for laceration measuring 3 x 2 over anterior aspect of middle third thigh and he is taking treatment in PES Medical College and Hospital, Kuppam and R.L.Jalappa Hospital, Kolar till 02.06.2023. He has also stated that, he could not file the claim petition within 90 days which is due to bonafide reasons and not deliberate and if his application is not allowed, he will suffer injustice, great hardship and irreparable injury.

9. On the other hand, it is contention of respondent No.1, Ministry of Road Transport and Highways, Government of India has already notified new amended provisions under section 50 to 57 and 93 of Motor Vehicles Amendment Act 2019 vide extraordinary Gazette Notification bearing S.O.859(E) dated 25.02.2022 and Central Government has appointed 01.04.2022 as effective force of said provisions and said provisions came into force. Admittedly, there is delay in filing the claim petition. As per Section.166(3) of Motor Vehicles Act, the claim petition has to be filed within 6 months from the



date of accident. There is delay in filing claim petition and petitioner has stated in his application and enquiry that, he has undergone surgery in PES Medical College and Research Center and R.L. Jalappa Hospital, Kolar and he taken treatment in the hospital till 02.06.2023 and for that reasons, he could not present the petition well within time.

10. Now the question arises for my consideration is, whether delay caused in filing the claim petition can be condoned? Whether, claim petition filed belatedly can be dismissed on technical grounds? Admittedly, the Motor Vehicles Act is beneficial legislation passed by the Legislature for giving compensation to the victims of road traffic accident. In India, we may see many road accidents taking the life and limb of travelers on the vehicles, pedestrians, children and aged persons crossing the road. The similar question arose before the Hon'ble High Court in the Writ Petition bearing No.201961/2023 (MV) and the Hon'ble High Court has also made similar observation that, Section.166 of Motor Vehicles Act is a beneficial provision which has been amended from time to time to provide benefit to any injured or legal



representatives of deceased and object of applying said provision beneficially.

11 In Para 21 of the orders, the Hon'ble High Court has observed that, Sub-Section.3 of Section.166 of Motor Vehicles Act would have to be read in consonance with Section.159, 160 and 161 of Motor Vehicles Act along with other provisions of said Act.

12. The Hon'ble High Court has given certain directions in Para 25 of the Order to the Director General of Police, Commissioner of Transport Department, Secretary, Health Department and Secretary E-Governance Department. In Para 27, the Hon'ble High Court has made following observations:

27. As afore observed, the MV Act being a beneficial Act, the provision thereof had to be given beneficial meaning and effect. The benefit under the Act, cannot be taken away on a technical aspect that too of limitation, thus, the Trial Court having applied Section.5 of the Limitation Act to the fact situation, I do not find any infirmity thereof.

13. In a decision of **Gohar Mohammed case – 2022 ACJ 2771** in which, the Hon'ble Supreme Court has held



that, if the claimant fails to exercise the action in terms of Section.166(1) of Motor Vehicles Act within 6 months, the report submitted under Section.166(4) may be treated as claim application.

14. In the decision of Hon'ble Madras High Court, reported in **Malavaran V/s. Praveen Travels Pvt. Ltd., - 2023(2) TNMAC 416** in which it is held as under:

The claim petition filed by the Claimant only serves as a reminder to the Claims Tribunal to perform its duty under Rule 21 of Annexure XIII of Central Motor Vehicle Rules. Where any request is filed and accessible by the Claims Tribunal, there will be no question of six months limitation arising.

15. Since, the Motor Vehicles Act is a social beneficial legislation, it cannot be interpreted too technically to deny the right of Claimants to get the compensation for their no fault and if such technical interpretations are pitted, the intent of legislation in enacting the said provision for giving compensation to the victims of road traffic accident will be defeated. So, I hold that, the interpretation of statute requires to be consider liberally otherwise, the beneficial legislation will be taken away



and the Claimants will be deprive of compensation. So, I feel it is just and proper to condone the delay in filing the claim petition. So I answer **Point No.1** in the **Affirmative.**

16. **POINT NO.2:** for the reasons discussed above, i proceed to pass the following:

ORDER

I.A. No.1 filed under Section.5 of Limitation Act is hereby allowed and delay of 528 days in filing the claim petition is hereby condoned.

(Dictated to the Stenographer through online, corrected and then pronounced by me in the open Court on this **26th day of March-2025**)

(GANAPATI GURUSIDDA BADAMI)
III-Addl. District & Sessions Judge,
Kolar (Sitting at K.G.F.)