



**IN THE COURT OF THE IV ADDITIONAL DISTRICT AND
SESSIONS JUDGE TUMAKURU, SITTING AT MADHUGIRI**

DATED THIS THE 20TH DAY OF JUNE, 2026

-:PRESENT:-

SMT. SUMANGALA S BASAVANNOUR, B.COM., L.L.M.,
IV ADDL. DISTRICT AND SESSIONS JUDGE, TUMAKURU-MADHUGIRI

MVC No.946/2025

Petitioner : 1. A.G.Venkatarayappa,
S/o Late Govindappa,
Aged about 60 years,

2. Ashwathamma,
W/o A.G.Venkatarayappa,
Aged about 55 years,

Both are R/at Annenahalli Village,
Kodigenahalli Hobli, Madhugiri Taluk,
Tumakuru District.

[By Counsel – N.R)

V/S

Respondents : 1. P.Asif Ali Khan,
S/o P.Fairoz Khan,
Aged about 32 years,
R/o House No.26-4-2903,
Guljar Pete, Sreenivasa Talkies Road,
Hindupura Town, Hindupura Taluk,
Srisathyasai District. A.P.



(Owner of the Auto Rikshaw bearing
Reg.No.AP-39-VD-2012)

2. Manager, Narendra.S.
IFFCO TOKIO GENERAL INSURANCE
COMPANY LTD.,
Customer Service Centre, No.141,
Sri.Shanthi Tower, 5th Floor,
3rd Main, East of NGEF Layout,
Kasthuri Nagara,
Bengaluru-560042.

(Policy No.1-4JPY860, P400 Policy # N2257511
Valid from 26.01.2025 to 25.01.2026)

(By R-2 B.K.C)

-.:ORDER ON I.A.No.III:-

The respondent No.2 has filed this application on I.A.No.III under Order VII Rule 11(d) of the Code of Civil Procedure R/w Section 166(3) of IMV Act (Amended Act 2019), seeking to dismiss the claim petition as the claimant foiled the claim petition after the statutory period of six months fixed has been lapsed to sue against to the Insurance Company in view of the amended Section 166(3) of IMV Act (2019 amendment) and is not maintainable for the relief of compensation and the petition filed is barred by law of limitation as per new amendment of IMV Act.



2. In the enclosed affidavit the Chief Manager of the respondent No.2 company stated on oath that, the claimant has filed this claim petition against to the amended Motor Vehicle Act, 2019 and is not maintainable in view of the amended Section 166(3) of IMV Act, which came into force on 1st April 2019 and ought to have filed the petition on or before 25.07.2025, but the claimant has filed the petition on 04.08.2025 and filed after the statutory period of Six months fixed under the amended Section 166(3) of IMV Act 2019 and there was a delay of 9 days in filing the petition and the petition filed is barred by Law Limitation as per the amended Section 166(3) of IMV Act and it reads as " that no application for compensation shall be entertained unless it is made within Six months of the occurrence of the accident" and as such the petition filed is barred by Law of Limitation and not maintainable and the petition is liable to be dismissed. No cause of action survives as the petition filed after the statutory period of six months fixed has been lapsed to sue against to the Insurance company in view of the amended Section 166(3) of IMV Act (2019 amendment) and not maintainable for the relief of compensation. Hence this application.



3. The petitioner filed objections to the application stating that The application filed by the applicant is not maintainable either in law or facts, it is liable to be rejected. The accident is occurred on 26.01.2025, the date of filing of the petition is 17.07.2025, totally the petition is filed within a limitation i.e. five months 21 days, before limitation period of six months, hence the petition filed by the petitioners within six months from the date of accident i.e. within time, hence the question of Limitation does not arise at all, thus the application filed by the respondent No.2 is not maintainable and liable to be dismissed.

4. I have heard the counsel for petitioner and perused the materials on record. The points that arise for my consideration is:-

1] Whether petition filed by the petitioner under Order VII Rule 11(d) of the Code of Civil Procedure R/w Section 166(3) of IMV Act (Amended Act 2019) can be rejected, ?

3] What order, ?

5. My answer to the above said points are as under.

1. Point No.1 : In the Negative ;



2. Point No.2 : As per final order
for the following:-

∴ REASONS ∴

6. **POINT NO.1:-** The respondent No.1 has filed this application seeking to dismiss the petition as it is filed after the statutory period of Six months fixed under the amended Section 166(3) of IMV Act 2019 and there was a delay of 9 days in filing the petition and the petition filed is barred by Law Limitation as per the amended Section 166(3) of IMV Act.

7. Order VII Rule 11(d) of CPC read as;

11. Rejection of plaint- The plaint shall be rejected in the following cases;

(d) where the suit appears from the statement in the plaint to be barred by any law;

8. Section. 166(3) of IMV Act read as;

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



9. As per the provisions of Section 166(3) of IMV Act no application is entertained unless it is made within six months from the date of accident.

10. The petitioners have filed objections stating that they have filed the petition within the limitation period of 6 months.

11. I have perused the record. The averments of the petition discloses that the date of accident was 26.01.2025. Further FIR also discloses that date of accident is 26.01.2025. The records also discloses that this petition is filed on 17.07.2025. So it is clear that the petitioner has filed this petition within 6 months i.e. five months 21 days within the limitation period. Hence the petition filed by the petitioner is not barred by law and it is filed within 6 months from the date of accident. Hence the application filed by the respondents seeking dismissal of the petition as not maintainable is liable to be rejected. Accordingly, I answer point No.1 in the Negative.

12. **POINT NO.2:-** For the reasons stated above, I proceed to pass the following:-



:-ORDER:-

I.A.No.III filed by the respondent No.2 under Order VII Rule 11(d) of the Code of Civil Procedure R/w Section 166(3) of IMV Act (Amended Act 2019) is herewith rejected.

From the facts and circumstances of the case there is no order as to cost.

*(Dictated to the stenographer same is corrected, signed and then pronounced by me in the open court, on this the **20th day of June, 2026**)*

sd/-

(SUMANGALA S BASAVANNOUR)
IV Additional District & Sessions Judge,
Tumakuru, Sitting at Madhugiri