

KAUK220001322024



**IN THE COURT OF THE SENIOR CIVIL JUDGE AND
JMFC., ANKOLA, AT: ANKOLA.**

Dated this the 03rd day of January, 2026.

PRESENT:

**Smt.Priya Ravi Joglekar. B.Com.LL.M.
Senior Civil Judge, Ankola.**

M.V.C No.157/2024

Petitioner: Dinesh Ashok Kantrikar

-Vs-

Respondents: 1. Smt.Sujata Babusha Bhoj
and another.

I.A.No.III

APPLICANT: Reliance General Insurance Co.Ltd.,
Respondent No.2 Hubli.

V/s

OPPONENT: Dinesh Ashok Kantrikar.

ORDERS ON I.A.No.III

The respondent No.2 has filed IA No.III under Order VII Rule 11(d) R/w Section 166(3) of the Karnataka Motor Vehicles Act and prays for reject this petition and

dismiss the above said claim petition as it is barred by limitation.

2. In the memo of facts, the learned counsel for the respondent No.2 submitted that the above said petition filed by the petitioner under Sec. 166 of Motor Vehicles Act against the respondents for seeking compensation in a motor accident took place on 23.04.2023 and the said petition was filed on 30.04.2024 i.e., after expiry of 01 years 07 days from the date of alleged accident. Therefore, there is delay in filing the present petition. Hence, the claim petition is barred by limitation. In view of the provisions of M.V.Act, 1988 (amended as in 2019) the Section 166(3) has come into effect from 1st April 2022 by Central Government as per the notification passed in 25th February, 2022 and as per Section 166 (3) of the said Act "no application for compensation shall be entertained unless it is made within 6 months of the occurrence of accident". Hence, this petition was filed by the petitioner after an expiry period of 6 months from the date of occurrence of accident. Hence, this petition is barred by time limitation. There is no cause of action against the respondent No.2 Insurance Company and as such this respondent has been unnecessarily arrayed as a party to the present

proceedings. Hence, the above said petition is liable to be dismissed.

3. Per contra, the petitioner filed objection and contended that the present application is not maintainable under law and true facts. It is contended that the respondent No.2 intends to take the illegal benefit of the present amendment of Motor Vehicle Act. The Motor Vehicle Act is beneficial legislation and the present petitioner cannot be denied the compensation. The petitioner is residing in remote village of Ankola Taluka and it became impossible for the petitioner to enquire that when the police officials might prepared and submitted the chargesheet before the court. The petitioner had been taking the prolonged treatment and not able to even lodge the complaint before the concerned police. The petitioner is under the impression that he will get the compensation in A.I.R. miscellaneous case filed by the Ankola Police. When he enquired with his Advocate, he realised that separate petition is to be filed to seek compensation. After collecting the documents he contacted his Advocate and filed the petition. Hence, he prays for dismiss the above said application was filed by the counsel for respondent No.2.

4. Heard both sides.

5. On perusal of the entire records, the only point that would arise for my consideration are:

1] **Whether the applicant has made out sufficient grounds to allow the application?**

2] **What order?**

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

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

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

REASONS

7. **Point No.1** : The applicant has filed this application by stating that the present petition is barred by time limitation. As per the amendment of the MV Act 2019, the Section 166 (3) has come into effect from 1st April 2022 by Central Government as per the notification passed on 25th February 2022 it is stated that "no application for compensation shall be entertained unless it is made within six months of the occurrence of the accident". Hence, this petition is filed by the petitioner after expiry of period of 01 year 07 days from the date of occurrence of accident. Hence, the petition itself is not maintainable and it is barred by time limitation. Hence, liable to be dismissed.

8. Per contra, the opponent contended that the respondent No.2 intends to take the illegal benefit of the present amendment of the Motor Vehicles Act. The Motor Vehicle Act is beneficial legislation and the present petitioner cannot be denied the compensation. The petitioner had been taking the prolonged treatment and not able to even lodge the complaint before the concerned police. After enquiring with his Advocate, he collected the documents and contacted his Advocate and filed the petition. Hence, he prays to reject the above said application was filed by the applicant.

9. The petitioner has filed the list of documents along with the certified copies of FIR, complaint, chargesheet, mahazar, Form A.I.R. wound certificate, Adhar Card and State Bank of India Pass book front copy.

10. On careful perusal of the documents itself goes to show that the accident occurred on 23.04.2023. This petition is filed by the petitioner on 30.04.2024. The relief of compensation claimed under RTA before the MACT Tribunal cannot be rejected on the basis of time limitation. It is mixed question of law and facts cannot be decided without completion of full fledged trial. Moreover, the Hon'ble Supreme Court of India has held that no motor accident claim should be dismissed as time barred. The Hon'ble Supreme Court had explained that in the

interim order before the Motor Accident Claims Tribunal and High Courts do not to dismiss any motor accident compensation petition as time barred. The Court passed this Order while hearing a petition challenging Section 166(3) of the Motor Vehicles act which prescribes a 06 months limitation period from the date of accident to file a claim petition.

11. Therefore, herein this petition, it is noticed that already this Court has framed **issues and the case is posted for petitioner evidence**. At this stage, the respondent No.2 filed above said application. Further, as per the direction of the Hon'ble Supreme Court of India, the petition should not be rejected solely on the basis of time limitation ground at initial stage. Therefore, it is not necessary to allow the application as per the prayer of the respondent No.2.

12. Therefore, it is necessary to give opportunity to petitioner to proceed the petition against the respondent. Only on the basis of limitation point, this petition cannot be rejected. Therefore, it is necessary to reject the above said application was filed by the applicant. Accordingly, I answer **point No.1 in the Negative**.

13. **Point No.2**: In view of reasons assigned above, I proceed to pass the following:

ORDER

**I.A.No.III filed by the respondent
No.2 under Order VII Rule 11(d) R/w
Section 166(3) of the Motor Vehicles Act
is hereby dismissed.**

(Directly dictated to the Stenographer, typed by her, revised by me and then pronounced by me in the open Court on this the 03rd day of January, 2026).

sd/-

**(Smt.Priya Ravi Joglekar)
Senior Civil Judge, Ankola.**