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**IN THE COURT OF THE SENIOR CIVIL JUDGE & PRL.
JMFC AND ADDL. M.A.C.T., KUMTA, AT: KUMTA,
UTTARA KANNADA.**

Dated this the 18th day of September, 2025

PRESENT

**Smt. B.S.Rayannawar, B.A., L.L.B.,
Senior Civil Judge
& Prl. JMFC, Kumta.**

MVC. No.506/2024

Petitioner:

Vinod S/o. Ganapati Gaonkar,
Aged 45 years,
Occ: Private Service,
R/o: Pujageri,
Now R/o. Hegde, Kumta Taluk (U.K.)

(By Sri. J.P.N. - Advocate)

V/s

Respondents:

1. Manoj M. Naik,
Owner of Car No.KA-30/A-3616
R/o. H.No.2862, Mahadevasthana Temple,
Baad, Nandangadda, Karwar.
2. The Divisional Manager,
United Indias Insurance. Co.Ltd.,
Divisional Office,
Kaikini Road, Karwar.

(R2 by Sri. V.G.H. - Advocate)
(R1-Exparte)

ORDERS ON I.A.No.I

Present application is filed by the applicant/petitioner Under Section 5 of Limitation Act with a prayer to condone 30 days delay in filing present petition.

2. I.A. supported with Affidavit of applicant/petitioner stating that, he met with an accident on 09-05-2024, Due to his ill health he will not be able to go to Karwar to collect the documents related to this case and he could not able to contact his advocate to give information with respect to the above accident, Hence there is a delay of 30 days in filing this petition. If the application is not allowed it will be caused great loss, injustice and inconvenience and on the other hand, if the application is allowed no loss will be caused to the other side. Hence, prayed to allow the application.

3. I.A opposed by 2nd respondent company by filing written objections contending that application filled by the petitioner under Section 5 of Limitation Act is not tenable. Under Section 166(3) of M.V Act restricted to entertainment

of Application unless it is made within 6 months of time from the date of the Accident. Herein accident was occurred on 09-05-2024 and application came to be filed on 08-12-2024. Hence petition came to be filed after 6 months. Hence, prayed to reject the application with cost.

4. Heard both respective counsels on I.A.No.I. Perused application, annexed affidavit, objections and other material on record.

5. The points that arise for my consideration are as follows

1. Whether the petitioner has made out grounds to allow the I.A.No.I?
2. What order?

6. My answer to the above points are as under

Point No.1 : In the Affirmative

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

REASONS

7. **Point No.1** : The present petition filed by the petitioner under section 166 of Motor Vehicle Act, 1988, claiming compensation for the injuries sustained by him in

the road traffic accident.

8. It is the case of the petitioner that, on 09/05/2024 at about 8:30 P.M the petitioner was riding his electric scooty No. KA-30/X-4983 from Karwar side towards Ankola in a moderate speed with great care and caution on his proper side near bridge, Amadalli Karwar. In the mean time, a car No.KA-30/A-3616 being given by its driver in a great speed and in a rash and negligent manner came from the opposite direction i.e from Ankola side towards Karwar and dashed to the scooty of the petitioner. Due to the impact. the petitioner fell on the road along with his electric scooty and sustained severe injuries.

9. Admittedly in the present case accident took place on 09-05-2024 and claim petition filed by the petitioner on 10-12-2024. Learned counsel for second respondent company submits that,application filled by the petitioner under Section 5 of Limitation Act is not tenable. Under Section 166(3) of M.V Act restricted to entertainment of Application unless it is made with in 6 months of time from

the date of the Accident. Herein accident was occurred on 09-05-2024 and application came to the filled on 08-12-2024. Hence petition came to the filled after 6 months.

10. The amendment to sec. 166(3) came on 01-04-2022 in this case accident occurred on 09.05.2024 and petition filed on 08.12.2024 Hence, it shows that there is a delay in filing the petition.

11. Learned counsel for petitioner submits that, the petitioner filed this case for seeking the compensation for the injuries sustained by petitioner in the Motor Vehicle Accident. After the accident petitioner was not well, hence he not collected the documents. Now he has engaged an advocate and applied this application for compensation and has no knowledge of the application has to be filed before the 6 months of accident. If any delay in filing this case is bonafide one and there is no malafide intention.

12. Admittedly prior to 01.04.2022 there was no limitation for filing claims seeking compensation for injury

or death. Clause (3) of Section 166 of the Act, which was introduced by Motor Vehicles (Amendment) Act, 2019, provides that a claim for such compensation must be filed before the Tribunal within six months from the date of accident. Moreover Section 166 is to provide necessary compensation to the victims of the road traffic accidents and the said enactment is a benevolent legislation. The Motor Vehicle Act is a beneficial legislation aimed at providing relief to the victims, or their families. The ratio laid down in Dhannala case is applies to the present case. Moreover the petitioner stated the reasons for delay in filing this petition.

13. As per the Amendment Act, 2019, and As per the judgment passed by the Hon'ble Supreme Court Cited in Citation 2023(1) TAC 353(SC), the concerned police within whose jurisdiction the accident took place have to submit all necessary information's to the concerned Tribunal and the same may be registered as Misc. Application. After registering the same, the concerned Tribunal will issue copy of the same to all the necessary parties. From the date of Registration of Misc. Application the Limitation starts

because of all the parties have got knowledge about the accident.

14. In Para No. 40 of the same judgment, the Hon'ble Supreme Court held that on perusal of the scheme of the Act, it is clear that the first recourse by not pleading or establishing proof of wrongful Act, neglect or default of the owner or driver of the vehicle, the compensation can be claimed U/S 164, but such compensation is of limited amount to the tune, as specified in case of death or grievous injury. The second recourse available to the claimant(s) before the Claims Tribunal by opting the jurisdiction at a place specified under Sub Section (2) but such claim must be filed within 6 months from the date of accident and be adjudicated by the Tribunal. The third recourse has been prescribed by introduction of section 149 of Motor Vehicles Amendment Act. Which in the case, claimant(s) have failed to take recourse either U/s 164 or 166 within the prescribed period of limitation, the report submitted by the investigating officer to claims Tribunal, within whose

jurisdiction the accident occurred may be treated as claim application U/s 166(4) and would not debar the claimant(s) to seek compensation if he/they could not file the application U/s 166(1) of the Act.

15. In para No. 42 - as per the rules, except in cases U/s 164, for the claims either U/s 149 or 166, the procedure prescribed in the Motor Vehicles Amendment rules is required to be followed by the claims tribunal. As specified, on receiving the FAR, the claims tribunal is required to register such FAR as Misc. Application. On filing the IAR and DAR, it shall be attached and be made part of the Misc. Application. The Claims Tribunal is required to examine the FAR, IAR or DAR as the case may be and in proceedings of the said Misc. Application appropriate direction for production of requisite forms prescribed in the rules through claimant(s), driver(s), owner(s) or Extension of time, as specified, may be directed. It should be kept in mind by the Claims Tribunal that the said DAR may be treated as an application U/s.166 as per Sub Section (4) thereof. In case

the Claimant(s) have taken the recourse U/s 166(1) and (2) and filed a separate claim petition, the said DAR may be tagged with the said claim petition, otherwise the proceeding U/s 149 shall continue.

16. The Hon'ble Supreme Court has also stated in the said judgment of Para No.49 that the procedure carved out U/s 149 of the Amendment Act is de-novo on filing the FAR before the Claims Tribunal and Tribunal is required to register such proceeding as Misc. Application. On filing IAR and DAR by the Police Officer within the time as specified, it shall be made part thereof. If the Claimant(s) has not opted for taking recourse U/s.166(1) within the time limit of 6 months, such Misc. Application may be treated as an Application U/s.166(4) of Motor Vehicles Amendment Act. and be adjudicated in accordance with law. Therefore, the procedure as prescribed U/s 149 is in addition to the proceedings of Section 164, 166 of Motor Vehicles Amendment Act and such mandate of Law is required to be followed in the true sense and spirit.

17. In para No. 51, it is directed that on initiation of the proceedings U/s 149 registering as Misc. Application, the Claims Tribunal in whose jurisdiction the accident occurred would continue till the proceeding U/s 166 had been filed by the claimant(s) separately. In the event of filing a separate application and on receiving the information in this regard either from the claimant(s) or the investigating officer or Insurance Company the proceeding U/s 149 shall be deemed as closed and tagged with the proceedings of Section 164/166 filed by the claimant(s).

18. In para No.53 - The Misc. Application would continue until it is tagged with the claim petition if any filed U/s 166 of the Motor Vehicles Amendment Act. It is also made clear that if the claimant(s) have not taken any recourse U/s 166, then the Misc. Application be treated as Claim Application U/s.166(4) of the MV Amendment Act and the Claims Tribunal is duty bound to decide such claim by allowing the procedure in accordance with law.

19. The question involved in Gohar Mohammed (supra)

was that the counsel representing the party expressed concern regarding the delay in disposal of the claim petitions by the trial court at an appellate stage. In this regard the objects and reasons of the Motor Vehicles (Amendment) Act, 2019, a benevolent legislation, was brought to the notice of the apex Court. By referring to the aforementioned provisions, the Supreme Court in para 39 and 40 noticed the various provisions of the Act and found that an application under section 166(4) of the Motor Vehicles Act can be treated as a claim petition to be adjudicated in accordance with law as the procedure prescribed under section 149 of the Act is in addition to the proceedings of section 166(4) of the amendment Act. It also dealt with the role of the Investigating Officer in preparing the Detailed Accident Reports and submissions to the Claims Tribunal within the specified period and beyond Various directions in para 62 of the judgment are culled out. Direction (xi) would be relevant for adjudication.

20. As per the judgment passed in the High Court of

Kerala at Ernakulam in OP(MVC) No. 6 of 2023 and others: decided on 23-01-2023 stated that the provisions of sub-section (4) of section 166, there is not a single whisper, viz., exclusion of the Limitation Act, thus, would not exclude applicability of provisions of section 29(2) of the Limitation Act, 1963. The aims and objects of the Act, to be referred later. Leaves no manner of doubt that the legislature had incorporated and caused the amendment by re-amending sub-section (3) of section 166 for ensuring that the claim for compensation on the death of the claimant does not abate and can continue by the legal representative but within six months from the date of occurrence of the accident.

21. Moreover it is held in a decision in 2023 ACJ 940 (Akshay Raj V/s Ministry of Law and Justice and others)- Lordships held that,- Motor Vehicles Act, 1988, Section 166(3) and 166(4) (as amended by Motor Vehicles (Amendment) Act, 2019) read with Central Motor Vehicles Rules, 1989, rule 150-A-Annexure XIII (as inserted by GSR 164 (E) dated 25.02.2022) and Limitation Act, 1963, section

29(2)-Claim application – Limitation – Whether provisions of section 29(2) of Limitation Act would be applicable for entertaining the claim application filed beyond the limitation of six months provided under section 166(3) of MV Act and claim application cannot be dismissed in limine-Held:yes: there is no provision under MV Act excluding the applicability of provisions of section 29(2) of Limitation Act: moreover, as per Sl.No.21 of Annexure XIII to rule 150-! Tribunal shall treat Detailed Accident Report as claim application and Sl.No.17 provides extension of time to file DAR therefore no discrimination can be made against claimants for filing claim application beyond the period of six months when statute does not oust the applicability of provisions of Limitation Act.

22. It is also held in the following decision that,

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- held- 24. As a fall out of my findings, the impugned orders are set aside, it is held that the provisions of the limitation Act would be applicable for entertaining the petitions for claiming the compensation even beyond the period of six months, for, by taking into 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 (6) months as there is no provision in the Act excluding the applicability of provisions of Section 29(2) of the Limitation Act. In other words, it is held that the claim petitions, if filed beyond the period of six months cannot be dismissed in limine.

The provisions of the Motor Vehicles Amended Act the Rules to ensure the mandate of law so that the litigants are not made to suffer for having not filed claim petitions within a period of six months. And all the MACT's are directed to entertain the petition and decide the same, in accordance with law.

And it is also held by Hon'ble Karnataka High Court, in WRIT PETITION NO.201961 OF 2023 (MV) Between The Divisional manager United India Insurance Company Ltd., V/s Ramu @ RameshS/o Yallappa. - Held- The MV Act being a beneficial Act, the provisions 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.

23. Hence in view of the above decisions, and as the petitioner explained and mentioned the grounds for delay in filing present petition, hence, the application filed by the petitioner is deserves to be allowed. Hence **point no.1**

answered in the Affirmative.

24. **Point No.2:** In view of the discussions made above this court proceeds to pass the following:

ORDER

I.A.No.I filed by the applicant/
petitioner Under Section 5 of Limitation Act
is hereby allowed, delay of 30 days in filing
petition is hereby condoned.

(Directly dictated to the Stenographer to the computer, corrected and then pronounced by me in the open court on this date the 18th day of September, 2025)

(B.S.Rayannawar)
Senior Civil Judge & Prl. JMFC &
AMACT, Kumta.