



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE B M SHYAM PRASAD

WRIT PETITION NO. 434 OF 2026 (GM-AC)

BETWEEN:

M/S. SHRIRAM GENERAL
INSURANCE CO. LTD.
HAVING CORPORATE OFFICE AT
S AND S CORNER, 302
3RD FLOOR, 48,
BOWRING HOSPITAL ROAD
SHIVAJI NAGAR,
BENGALURU - 560 096
NOW REP. BY M/S. SHRIRAM GENERAL
INSURANCE COMPANY LTD.,
NO.5/4, 3RD FLOOR,
S.V.R ARCADE,
BINALAKALLI MAIN ROAD,
BILEKHAHALLI OF B G ROAD,
IIMB POST, BANGALORE-76 .
REP. BY ITS MANAGER LEGAL.

...PETITIONER

(BY SRI. B C SHIVANNE GOWDA., ADVOCATE)





AND:

1. SMT.SHAKUNTHALA J V @ SHWETHA
W/O R SHYAMSUNDAR
AGED ABOUT 39 YEARS

2. KUM. MOULYA
D/O R SHYAMSUNDAR AND
SMT. SHAKUNTHALA
AGED ABOUT 16 YEARS
SINCE MINOR REP. BY HER MOTHER
1ST RESPONDENT

BOTH ARE R/AT NO.57A
31ST MAIN ROAD
SAKAMMA BADAVANE
BENGALURU - 560 096

3. SRI. VIVEK S H
AGED ABOUT 25 YEARS
S/O HANUMANTHE GOWDA
SINCE DECEASED BY LEGAL HEIRS
HANUMANTHEGOWDA
S/O LATE RAMEGOWDA
AGED ABOUT 58 YEARS
R/AT SINGAPATANA
HANUMANTHAPURA POST
HASSAN DISTRICT - 573 128



4. SMT. LALITHAMMA
W/O RAJANNA @ THIRUMALE GOWDA
AGED ABOUT 69 YEARS
NO.71A, T. DASARAHALLI
PIPELINE ROAD, 3RD CROSS, 4TH MAIN
BENGALURU - 560 057

...RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLES
226 AND 227 OF THE CONSTITUTION OF INDIA
PRAYING TO QUASH THE ORDER DATED 01.07.2025
PASSED BY THE MOTOR ACCIDENT CLAIMS TRIBUNAL,
XXIII ADDITIONAL COURT OF SMALL CAUSES AT
BENGALURU (SCCH-25) NO.3118/2024 AT ANNEXURE-F
ON THE APPLICATION FIELD ORDER VII RULES 11(d)
R/W 151 OF CIVIL PROCEDURE CODE AT ANNEXURE-D
AND ETC.

THIS PETITION, COMING ON FOR ORDERS, THIS
DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE B M SHYAM PRASAD



ORAL ORDER

This petition is by the Insurer who is called upon to answer a claim under Section 166 of the Motor Vehicles Act, 1988 [for short, '*the Act*'] in the claim petition in MVC No. 3118/2024 on the file of the XXIII Additional Senior Civil Judge and ACJM, Bengaluru [for short, '*the Tribunal*']. The petitioner has filed an application under Order VII Rule 11[d] r/w. Section 151 of the Code of Civil Procedure, 1908 contending that the claim petition cannot be entertained because it is filed beyond six months from the date of accident. The Tribunal, by the impugned order dated 01.07.2025, has rejected the petitioner's application.

The question: whether a claim petition filed beyond six months from the date of the accident can be entertained is pending with the Apex Court in SLP Nos.8412-8413/2023 and similar matters in the writ petition in WP [Civil] No. 166/2024 and connected



matters. It remains undisputed that the Apex Court by its interim order dated 16.12.2025 has observed that the pendency of the writ petitions/special leave petitions before it shall not come in the way of the claim petitions being adjudicated by the Tribunals but with the stipulation that judgments shall not be finalized.

This Court is of the considered view that with the afore-stipulation, this petition must be disposed of observing that the Tribunal's impugned order will be subject to the outcome in the pending matters before the Apex Court. With this arrangement, the inquiry into the merits of the claim petition will continue, but the Tribunal will refrain from pronouncing its judgment and award so that the decision on the merit of the claim petition otherwise will be subject to the Apex Court's decision on the afore question.



The petition stands disposed of accordingly.

Sd/-
(B M SHYAM PRASAD)
JUDGE

NV
List No.: 4 Sl No.: 28