



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 1455 OF 2026 (GM-AC)

BETWEEN:

THE MANAGER
M/S SHRIRAM GENERAL INSURANCE COMPANY LTD
NO.5/4, 3RD FLOOR, S.V.R. ARCADE
BINALAKALLI MAIN ROAD
OFF BANNERUGHATTA MAIN ROAD, IIM POST
BANGALORE - 76
REP BY ITS MANAGER LEGAL
REGISTERED UNDER THE COMPANIES ACT.

...PETITIONER

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

AND:

1. NANDEESHA S
S/O. SHANKARAPPA,
AGED ABOUT 20 YEARS
R/AT LAKKENAHALLI VILLAGE,
GANJIGUNTE,
CHIKKABALLAPURA- 563125
2. V. SHIVANNA,
S/O VENKATARAYAPPA,
MAJOR IN AGE ,
R/AT SUNNAPPA GUTTA VILLAGE,
KADADANAMARI POST,
CHINTHAMANI TALUK,,
CHIKKABALLAPURA- 562135.

...RESPONDENTS

Digitally
signed by
CHAITHRA A
Location:
HIGH COURT
OF
KARNATAKA



THIS WP IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDERS DATED 3/2/2025 PASSED BY THE COURT OF II ADDITIONAL JUDGE AND ACJM, COURT OF SMALL CAUSES AT BENGALURU IN MVC NO 7441/2022 AT ANNEXURE-E ON THE APPLICATION FIELD ORDER 7 RULES 11(D)R/W 151OF CIVIL PROCEDURE CODE AT ANNEXURE-D.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:
CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

The captioned writ petition is filed by the Insurance Company calling in question the order dated 03.02.2025 passed by the Motor Accident Claims Tribunal in M.V.C. No.7441/2022, whereby the Tribunal has proceeded with the adjudication of the claim petition notwithstanding the contention of the petitioner that the claim petition itself is barred by limitation, having been instituted beyond the prescribed period of six months.

2. Learned counsel appearing for the petitioner- Insurance Company submits that the Tribunal has committed an error in proceeding with the claim petition despite the admitted fact that the claim petition has been



filed beyond the statutory period of six months. In support of his contention, learned counsel has placed reliance on a judgment rendered by a Co-ordinate Bench of this Court, wherein the question relating to the maintainability of claim petitions filed beyond the prescribed period and the applicability of Section 5 of the Limitation Act, 1963, for condonation of delay in such matters has been examined.

3. Having examined the judgment relied upon by the learned counsel for the petitioner, this Court is informed that the very same question, namely, whether a belated claim petition under the Motor Vehicles Act, 1988 can be entertained by invoking Section 5 of the Limitation Act, 1963 for condonation of delay beyond the statutory period, is presently under consideration before the Hon'ble Apex Court in Special Leave to Appeal (C) Nos.8412-8413 of 2023. It is also brought to the notice of this Court that in several similar matters, Co-ordinate Benches of this Court, while taking note of the pendency of the aforesaid Special Leave Petitions before the Hon'ble



Supreme Court, have disposed of writ petitions with an observation that the pendency of the matter before the Hon'ble Apex Court shall not come in the way of the Tribunal proceeding with the adjudication of the claim petitions. However, the Tribunal has been directed to defer the pronouncement of the final judgment and award until the issue regarding maintainability of such belated claim petitions is authoritatively decided by the Hon'ble Supreme Court.

4. In the light of the consistent view taken by the Co-ordinate Benches of this Court and bearing in mind that the issue concerning the maintainability of claim petitions filed beyond the period of six months is presently *sub judice* before the Hon'ble Apex Court, this Court deems it appropriate to adopt the same course. Accordingly, the Motor Accident Claims Tribunal is directed to proceed with the adjudication of the claim petition on merits.



5. However, the Tribunal shall refrain from pronouncing the final judgment and award until the Hon'ble Supreme Court renders its decision in the aforesaid Special Leave Petitions concerning the maintainability of claim petitions filed beyond the prescribed period of limitation.

With these observations and directions, the writ petition stands ***disposed of***.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE