



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. 2600 OF 2026 (GM-AC)

BETWEEN:

THE NEW INDIA ASSURANCE CO. LTD.,
REGIONAL OFFICE NO. 9/2,
MAHALAKSHMI CHAMBERS
M.G.ROAD, BANGALORE - 560 001
REPRESENTED BY ITS MANAGER

...PETITIONER

(BY SRI. VENKATESH KAMATH B R., ADVOCATE)

AND:

1. SMT. H ARPITHA
W/O LATE DANYAKUMAR H.M
AGED 31 YEARS,
RESIDENT OF HORATTI,
HALIKE VILLAGE, KENJIGE POST,
BANAKAL HOBLI, MUDIGERE TALUK,
CHIKKAMAGLAURU DISTRICT - 577550.
2. KUMARI ADITI GOWDA
D/O OF LATE DANYAKUMAR H.M
AGED 7 YEARS, RESIDENT OF HORATTI,





HALIKE VILLAGE, KENJIGE POST,
BANAKAL HOBLI, MUDIGERE TALUK,
CHIKKAMAGLAURU DISTRICT -577550

3. SMT. N.R.SHAILA
W/O H.B.MANJUNATH GOWDA
AGED 62 YEARS,
R/O HORATTI, HALIKE VILLAGE
KENJIGE POST, BANAKAL HOBLI,
MUDIGERE TALUK,
CHIKKAMAGLAURU DISTRICT - 577 550
4. SRI. H.B.MANJUNATH GOWDA
S/O LATE H.C.BHAIREGOWDA
AGED 73 YEARS
RESIDENT OF HORATTI, HALIKE VILLAGE
KENJIGE POST, BANAKAL HOBLI,
MUDIGERE TALUK,
CHIKKAMAGLAURU DISTRICT - 577550
5. SRI. CHANDRASHEKAR K
S/O KALEGOWDA
AGED 45 YEARS
DRIVER, KURUBARAHALLI VILLAGE,
DODDAKUNCHEVU POST,
HALEKOTE HOBLI,
HOLENARASIPURA TALUK
HASSAN DISTRICT - 573 211



6. SRI. PRAKASH B SALIYAN
S/O LATE BABU SALIYAN
AGED 49 YEARS
CHICKET TRANSPORT BUSINESS 'SAMRUDDHI'
HOUSE, NO. 2/7/505/10, BEJAI, KAPIKAD,
MANGALORE CITY - 575 001

7. THE ORIENTAL INSURANCE COMPANY LIMITED
BRANCH OFFICE, CHIKKAMAGLAURU
NAG NIRMALA COMPLEX, 1ST FLOOR,
OPPOSITE RANGANNA CHOULTRY
BASAVANAHALLI MAIN ROAD,
CHIKKAMAGALURU - 577 101

...RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE ORDER DATED 27-02-2025 IN MVC NO 517/2023, PASSED BY THE SENIOR CIVIL JUDGE AND JMFC MUDIGERE, THE COPY OF THE SAID ORDER IS AT ANNEXURE-A. 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.517/2023 on the file of the Senior Civil Judge and JMFC, Mudigere [for short, '*the Tribunal*']. If the claimant has filed an application under Section 5 of the Limitation Act, 1963 for condonation of the delay in filing the claim petition, the petitioner has filed an application under Order VII Rule 11[d] of the Code of Civil Procedure, 1908 read with Section 166[3] of the Act contending that the claim petition is not maintainable because it is filed beyond six months from the date of accident. The Tribunal, by the common impugned order dated 27.02.2025, has allowed the application filed by the claimants rejecting the application filed by the petitioner.



The question: whether a belated claim petition could be entertained condoning the delay under Section 5 of the Limitation Act, 1963 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.: 31