



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. 4726 OF 2026 (GM-AC)

BETWEEN:

THE BRANCH MANAGER
THE NEWINDIA INSURANCE CO. LTD.
BRANCH OFFICE, NO.13/2,
2ND MAIN ROAD,
VANIVILAS MOHALLA,
MYSURU - 570 002
REPRESENTED BY THE
REGIONAL MANAGER,
THE NEW INDIA INSURANCE CO. LTD.,
REGIONAL OFFICE, THIRD PARTY CLAIMS HUB,
MAHALAKSHMI CHAMBERS,
II FLOOR, M.G. ROAD,
BENGALURU - 560 001

...PETITIONER

(BY SMT.MANJULA NEMICHANDRA TEJASWI., ADVOCATE)

AND:

1. SRI SANDESH
S/O TIMMASHETTY
AGED ABOUT 30 YEARS,
R/O BASAVARAJAPURA VILLAGE
AND HOBLI, K.R.NAGAR TALUK-571602
MYSURU DISTRICT - 570 002





2. SRI SUDHEER
S/O SATYANARAYAN,
AGEED 33 YEARS,
R/O KUNTINI HOUSE,
UPPINA ANGADI VILLAGE,
DAKSHINA KANNADA DISTRICT - 574 241
R.C. OWNER OF EICHER
LORRY BEARING NO.KA-19-AD-7703
3. SRI PRASHANT J.K.
S/O PARAMESHWAR GOWDA
AGED ABOUT 28 YEARS
R/O JALAKADAGUNDI HOUSE,
KANYAN POST, BANTAWALA TALUK
DAKSHINA KANNADA DISTRICT - 574 211

...RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO SETTING ASIDE THE ORDER PASSED BY LEARNED JUDGE OF ADDITIONAL COURT OF SMALL CAUSES AND MACT, MYSURU PASSED ON IA.I IN MVC 543/2024 VIDE ORDER DATED 28.11.2025, PRODUCED AS ANNEXURE-C 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.543/2024 on the file of the Judge, Additional Court of Small Causes And MACT, Mysuru [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 28.11.2025, 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**

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List No.: 4 Sl No.: 8