



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. 5811 OF 2026 (GM-AC)

BETWEEN:

THE NEW INDIA INSURANCE CO.
RAMANAGARA
NOW REP. BY ITS MANAGER
THE NEW INDIA ASSURANCE CO. LTD,
T.P.HUB, REGIONAL OFFICE
MAHALAKSHMI CHAMBERS NO.9.
M.G. ROAD, BENGALURU-560 001.

...PETITIONER



(BY SRI. G S MARULIAH., ADVOCATE)

AND:

1. K. C. MAHADEVA
S/O AMMAMMANAKEMPAIAH
AGED ABOUT 62 YEARS
R/AT, KALKUNIKE,



HUNSUR CITY - 571 105

2. K. ASHOKA
S/O LATE R.KRISHNAPPA
AGED ABOUT 49 YEARS
JAYAPURA GATE GOLLARADODDI,
RAMANAGARA TALUK-625831

...RESPONDENTS

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER AS PER ANNEX-D DATED 14.10.2025 PASSED BY ADDITIONAL SENIOR CIVIL JUDGE AND JMFC, HUNSUR ON IA NO.VI FILED UNDER SECTION 5 OF LIMITATION ACT MVC NO. 406/2023 AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, 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.406/2023 on the file of the Additional Senior Civil Judge and JMFC, Hunsur [for short, '*the Tribunal*']. 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 Tribunal, by the impugned order dated 14.10.2025, has allowed the application filed by the claimant.

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.: 10