



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. 20781 OF 2024 (GM-AC)

BETWEEN:

THE MANAGER
BAJAJ ALLIANZ GENERAL
INSURANCE CO. LTD.,
GOLDEN HEIGHTS, 4TH FLOOR, NO.1/2,
59TH 'C' CROSS, 4TH M BLOCK,
RAJAJI NAGAR, BANGALORE-560010

...PETITIONER

(BY SRI. A N KRISHNA SWAMY.,ADVOCATE)

AND:



1. MASTER MOHAMMED UZYAN
S/O MOHAMMED AZEEM
AGED ABOUT 5 YEARS
SINCE, MINOR REP., BY HIS NATURAL
GUARDIAN FATHER,
MR. MOHAMMED AZEEM
S/O MOHAMMED SALEEM
AGED ABOUT 38 YEARS
R/ AT NO.1305, 2ND CROSS,
BEHIND BHAGYAJYOTI SCHOOL,
RAGHAVENDRA BADAVANE,
NAZARBAD MOHALLA, MYSURU



2. NIRANJAN
S/O MAHADEV
AGED ABOUT 31 YEARS
R/AT NO. MDA.1712, H.G. MAIN ROAD,
RAGHAVENDRA NAGARA, MYSURU-570011

3. SUNIL KUMAR M.S.
S/O M. SHADAKSHARI
AGED ABOUT 31 YEARS
R/AT D.NO.11, BLOCK-2,
J S S LAYOUT, DR. RAJKUMAR ROAD,
SHAKTINAGAR, MYSURU - 570 011

...RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLES
226 AND 227 OF THE CONSTITUTION OF INDIA
PRAYING TO QUASH THE ORDER AS PER ANNEXURE -E
DATED 16.02.2024 PASSED BY ADDITIONAL COURT OF
SMALL CAUSES AND MACT, MYSURU ON APPLICATION
FILED UNDER ORDER VII RULE 11 (D) READ WITH
SECTION 151 OF CPC, READ WITH SECTION 166 (3) OF
IMV ACT AS PER ANNEXURE -B IN MVC NO. 492/2023.

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.492/2023 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 16.02.2024, 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.: 1 Sl No.: 1