



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. 26906 OF 2025 (GM-AC)

BETWEEN:

HDFC ERGO GENERAL
INSURANCE CO. LTD.
BRANCH NO.2/1.1, 2ND FLOOR
11TH MAIN, RAJAJINAGAR,
BENGALURU
BY ITS MANAGER,
HEREIN REPRESENTED BY
REGIONAL OFFICE, GROUND FLOOR,
ACR TOWERS, NO.32,
RESIDENCY ROAD, ASHOK NAGAR,
BENGALURU - 560025
REPRESENTED BY ITS
MANAGER (LEGAL)

...PETITIONER

(BY SRI. LINGARAJ H.S., ADVOCATE)

AND:

1. SWETHA
AGED ABOUT 33 YEARS
D/O KRISHNAPPA.H





R/AT OBALLI VILLAGE, GOPALAPURA POST,
KASABA HOBLI, GUBBI TALUK,
TUMKURU DISTRICT- 572216

2. SHAIK SALMAN
AGED ABOUT 27 YEARS,
S/O LATE SHAIKK SHABBUDIN,
R/AT CHOLAMBALLI VILLAGE,
HONNUDIKE POST,
GULUR HOBLI,
TUMKUR TALUK
TUMKURU DISTRICT - 572 106

...RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLES
226 AND 227 OF THE CONSTITUTION OF INDIA
PRAYING QUASH THE ORDER AS PER ANNEXURE-F
DATED 12.02.2025 PASSED BY THE ADDITIONAL
SENIOR CIVIL JUDGE AND JMFC, GUBBI ON IA FILED
UNDER SECTION 5 OF LIMITATION ACT IN MVC NO.
798/2024 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.798/2024 on the file of the Additional Senior Civil Judge and JMFC, Gubbi [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 separate orders dated 12.02.2025 and 27.03.2025, has allowed the application filed by the claimant 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.: 19