



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE B M SHYAM PRASAD

WRIT PETITION NO. 31577 OF 2024 (GM-AC)

BETWEEN:

IFFCO TOKIO GIC LTD
MVC HUB NO.03, KSCMF BUILDING
3RD FLOOR, 3RD BLOCK,
CUNNINGHAM ROAD,
BANGALORE - 560 052
NOW REP. BY IFFCO TOKIO GIC LTD.,
CUSTOMER SERVICE CENTER
SRI SHANTHI TOWERS, 5TH FLOOR
NO.141, 3RD MAIN
EAST OF NGEF LAYOUT,
KASTURI NAGAR,
BANGALORE - 560 043
REP. BY ITS LEGAL MANAGER,
COMPANY IS REGISTERED UNDER
COMPANIES ACT 1956

...PETITIONER

(BY SRI. PRADEEP B., ADVOCATE)

AND:

1. MANJAPPA
S/O GADIGEPPA
AGED ABOUT 50 YEARS





R/AT NO.95, SHIGGA,
SORABA TALUK
SHIMOGGA - 577 434

2. SURESH
S/O RAMAPPA
AGED ABOUT 49 YEARS
R/AT CHANNASHETTIKOPPA VILLAGE,
HOSURU POST,
SAGARA, SHIVAMOGGA DISTRICT - 577 412

...RESPONDENTS

(BY SRI. NAIK KRISHNA VENKATARAMAN, ADVOCATE
FOR R1)

THIS WRIT PETITION IS FILED UNDER ARTICLES
226 AND 227 OF THE CONSTITUTION OF INDIA
PRAYING TO QUASH THE ORDER AS PER ANNEX-D
DATED 27.08.2024 PASSED BY THE COURT OF THE
CHIEF JUDGE, COURT OF SMALL CAUSES,
BANGALORE ON IA FILED UNDER SECTION 5 OF
LIMITATION ACT IN MVC NO. 3561/2023.

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.3561/2023 on the file of the Chief Judge, Court of Small Causes, Bengaluru [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 15.07.2024, 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

SA
List No.: 3 Sl No.: 6