



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. 31773 OF 2025 (GM-AC)

BETWEEN:

TATA AIG GENERAL INSURANCE CO. LTD.,
REGIONAL OFFICE AT NO.69,
EMPIRE HOTEL, 2ND FLOOR,
J.P. AND DEVI, JAMBUKESHWARA ARCADE,
MILLERS ROAD, BENGALURU - 560 051.

...PETITIONER

(BY SRI. MURALIDHARA N., ADVOCATE)

AND:

1. KUM. AISHWARYA T
D/O SRI.THIPPAREDDY,
AGED ABOUT 24 YEARS,
RESIDING AT NO.119,
THOKALAHALLI VILLAGE,
GOWRIBIDANUR TALUK,
CHIKKABALLAPUR DISTRICT,
KARNATAKA - 561 228

2. SRI. NARENDRANATHADATHA,





S/O. SRI. GOVINDACHETTY,
AGED ABOUT 49 YEARS,
R/AT NO.105, ASHA
TOWNSHIP MAIN ROAD,
BILISHIVALE, DR. S.R.K NAGAR,
BENGALURU - 560 077.

...RESPONDENTS

THIS W.P. IS FILED UNDER ARTICLES 226 AND
227 OF THE CONSTITUTION OF INDIA PRAYING TO
SETTING ASIDE THE ORDER PASSED AT ANNEXURE -
D AND DIRECT THE COURT OF XIX ADDITIONAL SCJ,
COURT OF SMALL CAUSES, BENGALURU (SCCH-17), IN
MVC NO.4407/2024 TO DISMISS THE I.A UNDER SEC.5
FOR CONDONATION OF DELAY FILED BY THE
CLAIMANT.

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.4407/2024 on the file of the XIX Additional Senior Civil Judge and ACJM, 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 22.03.2025, 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.: 22