



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. 32875 OF 2024 (GM-AC)

BETWEEN:

ICICI LOMBARD GIC LTD.,
DIVISIONAL OFFICE
2ND FLOOR, NO.821, P B ROAD
RENUKA LAYOUT
DAVANAGERE - 577 001
NOW REP. BY
ICICI LOMBARD GIC LTD.
NO.121, THE ESTATE BUILDING
9TH FLOOR, DICKENSON ROAD
M G ROAD, BANGALORE-560 001
REP. BY ITS LEGAL MANAGER
COMPANY IS REGISTERED UNDER
COMPANIES ACT 1956

...PETITIONER

(BY SRI. PRADEEP B., ADVOCATE)

AND:

1. SMT.RATHNAMMA
C/O MATHANPPA
AGED ABOUT 46 YEARS
KAKKARAGOLLA VILLAGE





DAVANAGERE TALUK AND DISTRICT 577001

2. DEVARAJA M
S/O MAHANTESH
AGED ABOUT 29 YEARS
R/AT INDIRA LAYOUT
KONDAJI VILLAGE
HARIHARA TALUK
DAVANAGERE DISTRICT - 577 601

...RESPONDENTS

(BY SRI.HIREMATHAD MAHESHAIAH RUDRAYYA,
ADVOCATE, FOR R1; R - 2 SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES
226 AND 227 OF THE CONSTITUTION OF INDIA
PRAYING TO QUASH THE ORDER AS PER ANNEX-F
DATED 22.10.2024 PASSED BY THE COURT OF THE 3RD
ADDITIONAL SENIOR CIVIL JUDGE AND JMFC,
DAVANAGERE ON APPLICATION BEARING NO.1/2024
FILED UNDER SECTION 5 OF LIMITATION ACT AS PER
ANNEX-B IN MVC NO. 216/2023 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.216/2023 on the file of the III Additional Senior Civil Judge and JMFC, Davanagere [for short, '*the Tribunal*']. The petitioner has filed an application under Order VII Rule 11[d] read with 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 22.10.2024, 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.



NC: 2026:KHC:12310
WP No. 32875 of 2024

The petition stands disposed of accordingly.

Sd/-
(B M SHYAM PRASAD)
JUDGE

SA
List No.: 3 Sl No.: 36