



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. 35072 OF 2024 (GM-AC)

BETWEEN:

ICICI LOMBARD GENERAL
INSURANCE COMPANY LTD.
2ND FLOOR, BELLAD AND
COMPANY, GOKUL ROAD,
HUBLI 560021.
NOW REP BY ICICI LOMBARD GIC LTD.,
NO.121, THE ESTATE BUILDING.
9TH FLOOR, DICKSON ROAD,
M.G. ROAD. BANGALORE-560001
REP. BY ITS LEGAL MANAGER.
COMPANY IS REGISTERED
UNDER COMPANY ACT 1956.

...PETITIONER

(BY SRI. PRADEEP B.,ADVOCATE)

AND:

1. CHAMAN SHARIEF
S/O. PAILWAN HUSEN SAB,





AGED ABOUT 36 YEARS, z
R/O. ANAGODU VILLAGE,
DAVANAGERE TALUK-577556.

2. RAHUL @ RAGHAVENDRA R.H..
S/O. RAMANJANEYA,
AGED ABOUT 22 YEARS,
R/O. NO. 1272,
3RD CROSS, GANDHI NAGAR,
DAVANAGERE-577001.

3. MANJUNATHA. R.,
S/O. REVANASIDDAPPA,
AGED ABOUT 41 YEARS,
R/O. NO. 1335/2,
1ST CROSS, 10TH MAIN,
VINOBANAGAR,
DAVANAGERE-577001.

...RESPONDENTS

(BY SRI. SIDDAPPA B M.,ADVOCATE FOR R1;
R2 SERVED)

THIS W.P. IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA
PRAYING TO QUASH THE ORDER AS PER ANNEX-F
DATED 15.10.2024 PASSED BY THE COURT OF THE
II ADDL. SENIOR CIVIL JUDGE AND JMFC,
DAVANAGERE ON APPLICATION BEARING NO.
1/2024 UNDER ORDER 7 RULE 11 R/W SECTION



151 OF CPC AS PER ANNX-B AND I.A.NO.2 FILED BY CLAIMANT UNDER SECTION 5 OF LIMITATION ACT AS PER ANNX-D IN MVC NO. 443/2023; ALLOW THE APPLICATION FILED BY THE PETITIONER AS PER ANNX-D AND HOLD THAT CLAIM PETITION AS PER ANNX-A IS MAINTAINABLE.

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.443/2023 on the file of the II Additional Senior Civil Judge and JMFC, Davanagere [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 the common impugned order dated 15.10.2024, 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**

SA