



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. 35060 OF 2024 (GM-AC)

BETWEEN:

SBI GENERAL INSURANCE CO. LTD.
9TH FLOOR, A AND B, WING FULCRUM BUILDING,
SAHAR ROAD, ANDHERI EAST,
MUMBAI-400 039.
NOW REP. BY SBI GENERAL INSURANCE CO. LTD.,
NO.3/1, PLATFORM ROAD,
SHESHADRIPURAM, BENGALURU
NOW REP. BY SBI GIC LTD.,
1ST FLOOR, RUKMINI TOWERS,
PLATFORM ROAD, NEAR MANTRI MALL,
SHESHADRIPURAM,
BENGALURU - 560 020
REP. BY ITS LEGAL MANAGER
COMPANY IS REGISTERED UNDER
COMPANIES ACT 1956.

...PETITIONER

(BY SRI. PRADEEP B., ADVOCATE)

AND:

1. KANTHARAJU K T
S/O. LATE THIRUMALAGIRIGOWDA,
AGED ABOUT 35 YEARS,
R/AT S. KODAGIHALLIPALYA,





KASABA HOBLI, GUBBI TALUK
TUMAKURU DISTRICT - 572 216

2. SREENIVAS,
S/O. NARASEGOWDA,
AGED ABOUT 51 YEARS,
R/AT PEMMANAHALLI,
GALAGA POST, KASABA HOBLI,
GUBBI TALUK. - 572216

...RESPONDENTS

(BY SRI. VIRUPAKSHAIAH P H., ADVOCATE FOR R1;
R -2 IS 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 18.09.2024 AND AS PER ANNEX-G DATED 22.11.2024 PASSED BY THE COURT OF THE ADDITIONAL SENIOR CIVIL JUDGE AND JMFC, GUBBI ON APPLICATION BEARING NO.3/2024 FILED UNDER SEC. 5 OF LIMITATION ACT AS PER ANNEX-B AND TO REJECT THE IA NO.4/2024 FILED BY THE PETITIONER UNDER ORDER VII RULE 11 OF CPC R/W 166(3) (AMENDMENT ACT 2019) AS PER ANNEX-D IN MVC NO.1017/2023 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.1017/2023 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 18.09.2024 and 22.11.2024, and 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
List No.: 3 Sl No.: 10