



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. 35603 OF 2025 (GM-AC)

BETWEEN:

ICICI LOMBARD GENERAL
INSURANCE COMPANY LTD.,
SECOND FLOOR, SVR COMPLEX
HOSUR MAIN ROAD
BANGALORE, KARNATAKA 560 068
REP. BY M/S ICICI LOMBARD GENERAL
INSURANCE COMPANY LIMITED
NO.121 THE ESTATE BUILDING
9TH FLOOR DICKENSON ROAD,
BANGALORE - 560 042
REP. BY ITS MANAGER
REG. UNDER THE COMPANIES ACT 1956

...PETITIONER

(BY SRI. P S JAGADISH., ADVOCATE)

AND:

1. SHRISHTI
AGED ABOUT 13 YEARS
D/O VASANTHA KUMAR
MINOR REP. BY HIS NATURAL
GUARDIAN NEXT FRIEND IS HIS
FATHER VASANTHA KUMAR
AGE ABOUT 42 YEARS





S/O VENKAPPA GOWDA
R/AT MANJOTTI, KOYAGUDDE HOUSE
NADA VILLAGE AND PERMANU POST
BELTHANGADY TALUK, D. K.

2. JOHNSON JOSEPH
AGE ABOUT 56 YEARS
S/O JOSEPH
R/AT KURUPADI, HOSOOR VILLAGE
KARJE POST, UDUPI DISTRICT

...RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDERS DATED 21.03.2025 PASSED BY THE PRINCIPAL SENIOR CIVIL JUDGE AND JMFC, BELTHANGADY IN M.V.C. NO.934/2024 AT ANNEXURE - A AND DIRECTIONS TO ALLOW THE APPLICATION IA NO. III FILED BY THE PETITIONER UNDER ORDER VII RULE 11 (D) R/W SECTION 151 OF THE CODE OF CIVIL PROCEDURE R/W SECTION 166 (3) OF MOTOR VEHICLE ACT AT ANNEXURE -C IN M.V.C. NO.934/2024 ON THE FILE OF THE PRINCIPAL SENIOR CIVIL JUDGE AND JMFC, BELTHANGADY AND HOLD THAT THE CLAIM PETITION IS NOT 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.934/2024 on the file of the Prl. Senior Civil Judge and JMFC, Belthangady [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 21.03.2025, 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

NV
List No.: 4 Sl No.: 23