



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. 36145 OF 2025 (GM-AC)

BETWEEN:

ICICI LOMBARD GENERAL
INSURANCE COMPANY LTD.,
2ND FLOOR, SVR COMPLEX,
HOSUR MAIN ROAD,
BANGALORE, KARNATAKA
REP. BY M/S ICICI LOMBARD GENERAL
INSURANCE COMPANY LIMITED,
NO.121, THE ESTATE BUILDING,
9TH FLOOR, DICKENSON ROAD,
BANGALORE - 560 042.
REPRESENTED BY ITS MANAGER

...PETITIONER

(BY SRI. P S JAGADISH., ADVOCATE)

AND:

1. U M ABOOBAKKAR
AGED ABOUT 80 YEARS,
S/O LATE U.M ABBU HAJI,
R/AT MATTA HOUSE,
UPPINANGADY POST, VILLAGE,
PUTTUR TALUK, D.K.
2. U.T. ABDUL RAHIMAN,





AGE ABOUT 57 YEARS,
S/O LATE. MAHAMMAD,
R/AT MANIMAR HOUSE,
ILLANTHILA POST AND VILLAGE,
BELTHANGADY TALUK.

...RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLES
226 AND 227 OF THE CONSTITUTION OF INDIA
PRAYING TO QUASH THE ORDERS DATED 03.07.2025
PASSED BY THE ADDITIONAL SENIOR CIVIL JUDGE
AND JMFC AT PUTTUR IN M.V.C. NO.1888/2023 AT
ANNEXURE A AND DIRECTIONS TO ALLOW THE
APPLICATION 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.1888/2023 ON THE FILE OF THE ADDITIONAL
SENIOR CIVIL JUDGE AND JMFC AT PUTTUR 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.1888/2023 on the file of the Additional Senior Civil Judge & MACT, Puttur [for short, '*the Tribunal*']. The petitioner has filed an application under Order VII Rule 11[d] r/w. 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 03.07.2025, 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.



The petition stands disposed of accordingly.

Sd/-
(B M SHYAM PRASAD)
JUDGE

NV
List No.: 4 Sl No.: 24