



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. 36347 OF 2025 (GM-AC)

BETWEEN:

THE MANAGER,
THE NEW INDIA INSURANCE CO. LTD
DIVISIONAL OFFICE NO.289/12.
2ND FLOOR, A.M. ARCHADE, NEAR VIDYARTHI
BHAVAN, C.G. HOSPITAL ROAD,
DAVANAGERE-577002
(POLICY NO. 67100531220200007076)
REP. BY THE REGIONAL MANAGER,
THE NEW INDIA INSURANCE CO. LTD..
REGIONAL OFFIC, THIRD PARTY CLAIMS HUB,
MAHALAKSHMI CHAMBERS.
II FLOOR, M.G. ROAD. BENGALURU-560001
...PETITIONER

(BY SMT. MANJULA NEMICHANDRA
TEJASWI., ADVOCATE)

AND:

1. SRI MANJUNATH B @ MANJUNATH BANAKAKR
S/O B. BASAPPA
AGED ABOUT 53 YEARS,
OCC: AGRICULTURE
R/O KOODLIGI ROAD, GANESHA OIL MILL ROAD,
RAMNAGARA, HAGARI BOMMANAHALLI,
VIJAYANAGARA DISTRICT - 583 212
PRESENTLY RESIDENT OF S.S. LAYOUT,





DAVANAGERE

2. SRI MUKKUNDI KARIBASAPPA S/O GANGAPPA
AGED ABOUT 39 YEARS,
DRIVER OF MAHENDRA MAXI CAB
BEARING NO.KA-10-M-869,
R/O PURA GRAMA HADAGALI TALUK
DISTRICT VIJAYANAGARA - 583 212
3. SISTER JANETH MARY
D/O JEECAB
AGED ABOUT 71 YEARS.
OCC: OWNER OF MAHENDRA MAXI CAB
BEARING NO.KA-10-M-869,
R/O HOOVINAHADAGALI PATTANA
DISTRICT VIJAYANAGARA - 583 212

...RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE ORDER PASSED BY THE II ADDITIONAL SENIOR CIVIL JUDGE AND JMFC DAVANAGERE PASSED ON IA 1 AND II IN MVC NO.34/2024 VIDE ORDER DATED 10.02.2025 PRODUCED AS ANNEX-F AND ALLOW THE WP FILED BY THE PETITIONER INSURANCE COMPANY.

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.34/2024 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 10.02.2025, 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.: 3