



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. 39034 OF 2025 (GM-AC)

BETWEEN:

HDFC ERGO GENERAL INSURANCE COMPANY LTD.,
1ST FLOOR, PLAMA CENTER, BEJAI KAPIKAD ROAD,
KATLERIGUDDA, BEJAI, KAPIKAD,
MANGALURU - 574 154

NOW REP. BY ITS LEGAL MANAGER

HDFC ERGO GENERAL INSURANCE
COMPANY LTD., GROUND FLOOR, ACR TOWER,
NO.32, RESIDENCY ROAD, OPP. TO SBI BANK,
ASHOK NAGAR, BANGALURU-560025.

...PETITIONER

(BY SRI. B C SHIVANNE GOWDA., ADVOCATE)

AND:

1. SHEKH HUSEN

S/O SHARMUDDIN @ SHARAMUUDIINA,
AGED ABOUT 40 YEARS,
R/AT ADDODAGI, SUGOORU,
SURPURA TALUK, YADGIRI DISTRICT.
PRESENTLY R/O RENT HOUSE OF AFREENA,





LINGAPAYYA KADU, KARNADU VILLAGE,
MULKI TALUK, D.K. DISTRICT - 574 154

2. MAHIBOOB SAB
S/O HASSAN SAB,
AGED ABOUT 31 YEARS,
R/AT DOOR NO.373/B,
K.S.RAO NAGAR, KARNAD VILLAGE,
MULKI TALUK,
D.K. DISTRICT - 574 145

...RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLE
226 OF THE CONSTITUTION OF INDIA PRAYING TO
QUASH THE ORDERS DATED 21.06.2025 PASS BY THE
COURT OF II ADDITIONAL DISTRICT AND SESSIONS
JUDGE D K MANGALORE IN MVC NO 732/2024 AT
ANNEXURE-G ON THE APPLICATION FILED UNDER
ORDER 7 RULE 11 READ WITH 151 OF THE CIVIL
PROCEDURE CODE WHICH IS MARKED AS ANNEXURE-
E 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.732/2024 on the file of the II Additional District and Sessions Judge, Dakshina Kannada, Mangalore [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 21.06.2025, 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.: 4