



IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 23RD DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 107370 OF 2025 (GM-AC)

BETWEEN:

THE BRANCH MANAGER,
ROYAL SUNDARAM GENERAL
INSURANCE COMPANY LTD.,
INR CITY CENTRE, MOHAN ROY ROAD,
SAMPANGIRAAM NAGAR,
BENGALURU-560053, KARNATAKA,
INSURER OF MARUTI SUZUKI WAGONR
BEARING NO.KA-24/M-9176,
POLICY NO. MOBL362608
VALID FROM 04.05.2022 TO 03.05.2023
PERIOD 12.04.2022 TO 11.04.2023
NOW REPRESENTED BY ITS AUTHORISED
SIGNATORY.

... PETITIONER

(BY SRI. G.N. RAICHUR, ADVOCATE)

AND:

1. SMT. PARVATI
W/O. MAHANTESH SUNKAD,
AGE: 36 YEARS,
OCC. VEGETABLE VENDING BUSINESS,
R/O. KADROLLI, KITTUR-591127,
DIST. BELAGAVI.





2. SHRI SHIVAPPA
CHANNABASAPPA AMBAGI,
AGE: MAJOR,
OCC. BUSINESS,
R/O. GUDI ONT CHIVATAGUNDI,
TQ. BAILHONGAL-591109,
(OWNER OF THE MARUTI
SUZUKI WAGANOR
BEARING NO.KA-24/M-9176).

... RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED ORDER 20.06.2025 PASSED IN MVC NO.356/2023 ON THE INTERIM APPLICATION NO.II FILED UNDER SECTION 5 OF THE LIMITATION ACT PASSED BY THE COURT OF SENIOR CIVIL JUDGE AND ADDITIONAL M.A.C.T. BAILHONGAL AT BAILHONGAL VIDE ANNEXURE-D, BY ISSUING WRIT OF CERTIORARI AND CONSEQUENTLY BE PLEASED TO DISMISS THE IA NO.II FILED BY THE PRESENT RESPONDENT NO.1 CONSEQUENTLY DISMISS THE CLAIM PETITION FILED BY THE PRESENT RESPONDENT NO.1 IN THE INTEREST OF JUSTICE AND EQUITY AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:



ORAL ORDER

(PER: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM)

The captioned writ petition is filed by the Insurance Company calling in question the order dated 20.06.2025 passed by the Senior Civil Judge and Addl. MACT, Bailhongal, on I.A.No.II filed in MVC No.356 of 2023, whereby the Tribunal has proceeded with the adjudication of the claim petition notwithstanding the contention of the petitioner that the claim petition itself is barred by limitation, having been instituted beyond the prescribed period of six months.

2. Learned counsel appearing for the petitioner-Insurance Company submits that the Tribunal has committed an error in proceeding with the claim petition despite the admitted fact that the claim petition has been filed beyond the statutory period of six months. In support of his contention, learned counsel has placed reliance on a judgment rendered by a Co-ordinate Bench of this Court, wherein the question relating to the maintainability of claim



petitions filed beyond the prescribed period and the applicability of Section 5 of the Limitation Act, 1963, for condonation of delay in such matters has been examined.

3. Having examined the judgment relied upon by the learned counsel for the petitioner, this Court is informed that the very same question, namely, whether a belated claim petition under the Motor Vehicles Act, 1988 can be entertained by invoking Section 5 of the Limitation Act, 1963 for condonation of delay beyond the statutory period, is presently under consideration before the Hon'ble Apex Court in ***Special Leave to Appeal (C) Nos.8412-8413 of 2023***. It is also brought to the notice of this Court that in several similar matters, Co-ordinate Benches of this Court, while taking note of the pendency of the aforesaid Special Leave Petitions before the Hon'ble Supreme Court, have disposed of writ petitions with an observation that the pendency of the matter before the Hon'ble Apex Court shall not come in the way of the Tribunal proceeding with the adjudication of the claim petitions. However, the Tribunal



has been directed to defer the pronouncement of the final judgment and award until the issue regarding maintainability of such belated claim petitions is authoritatively decided by the Hon'ble Supreme Court.

4. In the light of the consistent view taken by the Co-ordinate Benches of this Court and bearing in mind that the issue concerning the maintainability of claim petitions filed beyond the period of six months is presently sub judice before the Hon'ble Apex Court, this Court deems it appropriate to adopt the same course. Accordingly, the Motor Accident Claims Tribunal is directed to proceed with the adjudication of the claim petition on merits.

5. However, the Tribunal shall refrain from pronouncing the final judgment and award until the Hon'ble Supreme Court renders its decision in the aforesaid Special Leave Petitions concerning the maintainability of claim petitions filed beyond the prescribed period of limitation.



NC: 2026:KHC-D:8170
WP No. 107370 of 2025

With these observations and directions, the writ petition stands ***disposed of.***

Sd/-
(SACHIN SHANKAR MAGADUM)

VNP / CT: BCK
LIST NO.: 1 SL NO.: 9