



**IN THE HIGH COURT OF KARNATAKA**

**KALABURAGI BENCH**

**DATED THIS THE 5<sup>TH</sup> DAY OF FEBRUARY, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR**

**WRIT PETITION NO.200746 OF 2025 (GM-CPC)**

**BETWEEN:**

THE BRANCH MANAGER,  
ICICI INSURANCE CO. LTD.,  
3ND FLOOR, A.K. ASIAN GRAND,  
OPPOSITE GESCOM HEAD OFFICE,  
STATION ROAD, KALABURAGI,  
DIST. KALBURAGI-585102,  
REP. BY ITS AUTHORIZED SIGNATORY.

...PETITIONER

(BY SRI SUBHASH MALLAPUR, ADVOCATE)

**AND:**

1. RAMESH S/O SHANKAR PAWAR,  
AGE: 42 YEARS, OCC: COOLIE,
2. RAJESH S/O RAMESH PAWAR,  
AGE: 19 YEARS, M/G BY PETITIONER NO.1,
3. SHWETA D/O RAMESH PAWAR,  
AGE: 17 YEARS, M/G BY PETITIONER NO.1,
4. MANJULA D/O RAMESH PAWAR,  
AGE 15 YEARS, M/G BY PETITIONER NO.1,
5. GANESH S/O RAMESH PAWAR,  
AGE: 15 YEARS, M/G BY PETITIONER NO.1,

Digitally signed  
by NIJAMUDDIN  
JAMKUNDI  
Location: HIGH  
COURT OF  
KARNATAKA



ALL ARE R/O GHATTARAGI, TQ.SINDAGI,  
NOW RESIDING AT RAM NAGAR, VIJAYAPUR-586101.

6. PARAGOND S/O HONNAPPA KAMBLE,  
AGE: 43 YEARS, OCC: BUSINESS,  
R/O BALGAON, TQ. JATH,  
DIST. SANGLI-416406.  
(OWNER OF TRACTOR NO.MH-10/AY-9562)

...RESPONDENTS

(NOTICE TO RESPONDENTS DISPENSED)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT IN NATURE OF CERTIORARI AND QUASH THE ORDER DATED 23.11.2024 PASSED IN I.A.NO.III & I.A.NO.IV, BY THE II ADDL. SENIOR CIVIL JUDGE AND MEMBER, MACT-VII, VIJAYAPURA IN MVC NO.1806/2023 VIDE ANNEXURE-E.

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

CORAM: HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

**ORAL ORDER**

Heard learned counsel for the petitioner-Insurance Company.

2. Notice to the respondents, who are the claimants and owner of the offending vehicle respectively is dispensed for the reason that no adverse order is passed against the respondents as this Court is inclined to remit the matter to II Additional Senior Civil Judge and



Member, MACT-VII, Vijayapur (for short, 'the Tribunal'), in MVC No.1806/2023.

3. The petitioner-Insurance Company has called in question the order dated 23.11.2024 passed by the Tribunal in MVC No.1806/2023, wherein the Tribunal dismissed I.A.No.III filed by the petitioner-Insurance Company seeking rejection of the claim petition filed by respondents-claimants on the ground that the claim petition is not filed within six months from the date of occurrence of the accident and there is a delay in filing the claim petition. Without adverting to the merits of the matter, it is seen that in view of the claim petition having been filed beyond the period of limitation, the petitioner-Insurance Company filed an application for rejection of the claim petition under Order VII Rule 11 read with Section 151 of CPC and Section 166(3) of the MV (Amendment) Act, 2019 on the ground that the claim petition was barred by the law of limitation in view of the amended Motor Vehicles Act.



4. Upon objections being filed, the Tribunal allowed the application filed by the claimants under Section 5 of the Limitation Act condoning delay and rejected the application filed by the Insurance Company under Order VII Rule 11 read with Section 151 of CPC and Section 166(3) of the MV (Amendment) Act, 2019, which is called in question by the petitioner-Insurance Company in this writ petition.

5. There are several matters from different Courts across the country which have approached the Hon'ble Supreme Court, being aggrieved by the rejection of the application and by the delay being condoned by the claims Tribunal, thereby permitting the continuation of the claim petition in Writ Petition (Civil) No.166/2024 in the case of ***Bhagirathi Dash vs. Union of India and Another*** which is pending before the Hon'ble Supreme Court involving the question of limitation prescribed by the amended Motor Vehicles Act. The Hon'ble Supreme Court, vide order dated 16.12.2025, passed the following order:



*"The pendency of these matters would also not come in the way of claim petitions being adjudicated by the Tribunals, except finalising the judgments.*

*Let the matter be listed on 10.02.2026 at 02.00 p.m."*

6. This being the state of affairs, the Hon'ble Apex Court has infact held that the claim petitions could proceed except finalising the judgments. Therefore, it would be in the interest of both the parties and prudence demands that in view of several pendency of matters, the claim petitions before the respective Courts shall proceed further except finalising the judgments in each of the matters. Accordingly, the writ petition is ***disposed of***.

Ordered accordingly.

**Sd/-  
(PRADEEP SINGH YERUR)  
JUDGE**

RSP  
LIST NO.: 3 SL NO.: 6  
CT: SI