



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 22ND DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

WRIT PETITION NO. 200573 OF 2026 (GM-CPC)

BETWEEN:

UNITED INDIA INSURANCE COMPANY LTD.
THROUGH ITS DIVISIONAL MANAGER
CO LTD., OPPOSITE SANGAM TALKIES,
SUPER MARKET, KALABURAGI 585101
(POLICY NO 04010031240161570522)
VALID FROM 19-10-2024 TO 18-10-2029
NOW THROUGH ITS INCHARGE TP HUB,
KALABURAGI

...PETITIONER

(BY SRI. SHARANABASAPPA M PATIL.,ADVOCATE)

AND:

1. SMT SAVITRI W/O ASHOK MANG @ HOSAMANI
AGE: 42 YEARS, OCC: HOUSEHOLD
2. ASHOK S/O SHANKAREPPA MANG @ HOSAMANI
AGE: 43 YEARS, OCC: LABOUR WORK
3. DIVYA D/O ASHOK MANG @ HOSAMANI
AGE: 16 YEARS, MINOR, OCC: STUDENT





4. SAMARTH S/O ASHOK MANG @ HOSAMANI,
AGE: 17 YEARS, MINOR, OCC: STUDENT,

THE RESPONDENT NO 3 AND 4 ARE MINORS U/G OF
THEIR NATURAL MOTHER RESPONDENT NO 1
SMT SAVITRI W/O ASHOK MANG
ALL ARE R/O BHOSAGA,
TQ. AFZALPUR, DIST. KALABURAGI 585301

5. KALLAPPA S/O TOTAPPA DODAMANI
AGE: MAJOR, OCC: BUSINESS
R/O BHOSAGA, TQ. AFZALPUR,
DIST. KALABURAGI 585301
(OWNER OF OFFENDING VEHICLE SPLENDOR PLUS
MOTOR CYCLE BEARING REGN NO KA-32/HK-1013

...RESPONDENTS

(BY SRI. NAGARAJ PATIL, ADV FOR R1 AND R2;
R3 AND R4 MINORS U/G OF R1;
NOTICE TO R5 IS DISPENSED WITH)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF
THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A) A WRIT
ORDER OR DIRECTION IN NATURE OF CERTIORARI BE
GRANTED BY QUASHING THE IMPUGNED ORDER DATED
22.01.2026 VIDE ANNEXURE-C PASSED BY THE IN THE COURT
OF I ADDL SENIOR CIVIL JUDGE AND MACT AT KALABURAGI IN
MVC NO. 1197/2025. B) THAT ANY APPROPRIATE ORDER OR
WRIT OR DIRECTION MAY BE PASSED AS DEEMED FIT ON THE
FACTS AND CIRCUMSTANCES OF CASE.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING
'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:
CORAM: HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY



ORAL ORDER

Petitioner-Insurance Company is before this Court under Article 227 of the Constitution of India seeking following reliefs:

"A) A writ order or direction in nature of certiorari be granted by quashing the impugned order dated 22.01.2026 vide Annexure-C passed by the in the court of I Addl Senior Civil Judge and MACT at Kalaburagi in MVC No. 1197/2025.

B) That any appropriate order or writ or direction may be passed as deemed fit on the facts and circumstances of case"

2. Heard learned counsel for the parties.

3. Respondent No.1 had filed MVC No.1197/2025 before the jurisdictional MACT claiming compensation for the death of her husband in the road traffic accident occurred on 02.01.2025. The offending vehicle in the said accident appears to have been insured with the petitioner-Insurance Company. The written statement filed on behalf



of the petitioner herein along with I.A.No.I seeking permission to file written statement was rejected by the MACT on the ground that the said written statement was filed belatedly, after expiry of statutory period of 90 days. It is under these circumstances, the petitioner is before this Court.

4. The Co-ordinate Bench of this Court in WP No.203746/2025 disposed of on 25.11.2025, in paragraph No.6 has observed as under:

*"06. The Apex Court in the case of **Kailash vs. Nanhku and others**, reported in **(2005) 4 SCC 480**, has held that though order VIII Rule 1 of CPC, and the proviso thereto, caste an obligation on the defendant to file written statement within time prescribed therein, the provisions do not deal with nor specifically take away the power of Court to take a written statement on record, though filed beyond time as provided for therein. The provisions are directly and not mandatory. The condonation of delay in filing the written statement shall be considered depending on the facts of each case. That in spite of the time limit provided under Order VIII*



Rule 1 CPC, the Court is not powerless to permit a written statement being filed."

5. Under the circumstances, the impugned order passed by the MACT rejecting I.A.No.I and also the written statement filed on behalf of the petitioner-Insurance Company cannot be sustained.

6. Accordingly, the following:

ORDER

- i. The writ petition is ***allowed***.
- ii. The impugned order dated 22.01.2026 passed by the I Addl. Senior Civil Judge, and MACT, Kalaburagi on I.A.No.I in MVC No.1197/2025 is hereby set aside and jurisdictional MACT is directed to take on record the written statement filed on behalf of the petitioner herein and proceed further in accordance with law.

**Sd/-
(S.VISHWAJITH SHETTY)
JUDGE**