



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 5TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

WRIT PETITION NO.201566 OF 2025 (GM-CPC)

BETWEEN:

THE BRANCH MANAGER
BAJAJ ALLIANZ GENERAL INSURANCE
COMPANY LTD.,
GOLDEN HEIGHTS, 4TH FLOOR, No.1/2,
RAJAJINAGAR, BANGALORE, KARNATAKA-560010.
REP. BY AUTHORISED SIGNATORY.

...PETITIONER

(BY SRI SUBHASH MALLAPUR, ADVOCATE)

AND:

1. SUBHASH S/O HUSENI MULE,
AGE: 45 YEARS, OCC: SELF EMPLOYEE
AND BUSINESS,
R/O VIJAY MAHANTESHWAR NAGAR,
TQ. BHALKI, DIST. BIDAR.
2. SAGAR S/O ASHOKARO PATIL,
AGE: 26, OCC: AGRICULTURE PRIVATE WORK,
R/O VILLAGE TALWAD (M),
TQ. BHALKI, DIST. BIDAR

...RESPONDENTS

(BY SRI SANDEEP VIJAYKUMAR, ADVOCATE FOR R1;
NOTICE TO R2 DISPENSED)

Digitally signed
by NIJAMUDDIN
JAMKUNDI
Location: HIGH
COURT OF
KARNATAKA



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 05.10.2024 PASSED IN I.A.NO.II BY THE SENIOR CIVIL JUDGE AND JMFC COURT, BHALKI IN MVC.NO.686/2023 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 respondent No.2, who is the owner of the offending vehicle is dispensed for the reason that no adverse order is passed against the respondents as this Court is inclined to remit the matter to the Senior Civil Judge and JMFC Court and Member, MACT, Bhalki (for short, 'the Tribunal'), in MVC No.686/2023.

3. The petitioner-Insurance Company has called in question the order dated 05.10.2024 passed by the Tribunal in MVC No.686/2023, wherein the Tribunal dismissed I.A.No.II filed by the petitioner-Insurance



Company seeking rejection of the claim petition filed by respondent-claimant 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. The Tribunal 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.: 8
CT:SI