



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. 200167 OF 2026 (GM-CPC)

BETWEEN:

NATIONAL INSURANCE CO LTD.,
THROUGH ITS DIVISIONAL MANAGER,
BILGUNDI COMPLEX, OPP. MINI VIDHAN SOUDHA,
KALABURAGI-585102
VIDE POLICY BEARING NO. 560400312310004368
VALID FROM 15-12-2023 TO 14-12-2024
NOW THROUGH ITS AUTHORISED SIGNATORY.

...PETITIONER

(BY SRI. SHARANABASAPPA M PATIL.,ADVOCATE)

AND:

1. SMT.SUMITRABAI @ SAVITRIBAI
W/O ERANNA BAJANTRI,
AGED ABOUT 45 YEARS, OCC: COOLIE,
NOW NIL,
R/O H.NO.2-62, NELLUR,
TQ. ALAND, DIST. KALABURAGI-585311
2. ASHOK S/O SHIVAKANT KHANDAL
AGED ABOUT 46 YEARS, OCC: BUSINESS
R/O 46, RAGHAVENDRA NAGAR, HALLI SALAGAR,
TQ.ALAND, DIST.KALABURAGI-585302
(OWNER OF OFFENDING VEHICLE, TEMPO TRAX





TOOFAN BEARING REG.NO.KA-48-4232)

...RESPONDENTS
(BY SRI. NAGARAJ PATIL.,ADV FOR R1; R2 SERVED)

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 04.11.2025 VIDE ANNEXURE-C PASSED BY THE IN THE COURT OF I ADDL SENIOR CIVIL JUDGE AT KALABURAGI IN MVC NO. 224/2025. B) THAT ANY APPROPRIATE ORDER OR WRIT OR DIRECTION MAY BE PASSED AS DEEMED FIT ON THE FACTS AND CIRCUMSTANCES OF CASE TO WHICH THE PETITIONER IS ENTITLED.

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 04.11.2025 vide Annexure-C passed by the in the court of I Addl Senior Civil Judge at Kalaburagi in MVC No. 224/2025.



B) That any appropriate order or writ or direction may be passed as deemed fit on the facts and circumstances of case to which the petitioner is entitled."

2. Heard learned counsel for the parties.

3. Respondent No.1 had filed MVC No.224/2025 before the jurisdictional MACT claiming compensation for the injuries suffered by her in the road traffic accident occurred on 14.10.2024. 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 04.11.2025 passed by the I Addl. Senior Civil Judge, Kalaburagi on I.A.No.I in MVC No.224/2025 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

NJ
List No.: 1 Sl No.: 93