HC-KAR

NC: 2026:KHC:19126
WP No. 27907 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 27907 OF 2025 (GM-AC)

BETWEEN:

M/S IFFCO TOKIO
GENERAL INSURANCE COMPANY LIMITED,
NO.141, 5TH FLOOR
SRI SHANTHI TOWERS
3RD MAIN N.G.E.F LAYOUT
KASTURINAGAR
BANGALORE - 560 043
REPRESENTED BY ITS MANAGER
REGISTERED UNDER COMPANY ACT - 1956

...PETITIONER

(BY SRI. B. PRADEEP, ADVOCATE)

AND:

Digitally signed by SHARADAVANI B
Location: High Court of Karnataka

1. SRI RAMESH
   S/O. LATE RANGAIAH
   AGED ABOUT 49 YEARS
   R/A. HANUMEGOWDANAPALYA VILLAGE
   KASABA HOBLI, KUNIGAL TALUK
   TUMKUR DISTRICT - 572 130

2. MR. GANGANNA
   S/O. KALABORAIAH
   MAJOR IN AGE
   R/A. BYALADKERE VILLAGE
   YADIYUR HOBLI

KUNIGAL TALUK
TUMKUR DISTRICT - 572 130

…RESPONDENTS

(R1 AND R2 ARE SERVED)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO A. DIRECT TO QUASH THE ORDERS DATED 02.08.2025 PASSED BY THE HONBLE I ADDITIONAL SMALL CAUSES JUDGE AND A.C.J.M. AND THE MOTOR ACCIDENT CLAIMS TRIBUNAL (SCCH-11) AT BENGALURU IN M.V.C. NO. 5608/2024 AT ANNEXURE-A ETC.

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

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

The captioned writ petition is filed by the Insurance Company calling in question the order dated 02.08.2025 passed by the Additional Small Causes Judge & ACJM & the Motor Accident Claims Tribunal (SCCH-11), Bengaluru in M.V.C. No.5608/2024, 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.

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

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE

GJM
List No.: 3 Sl No.: 11