



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 29<sup>TH</sup> DAY OF JUNE, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ**

**WRIT PETITION NO. 19309 OF 2026 (GM-AC)**

**BETWEEN:**

1. THE BRANCH MANAGER,  
IFFCO TOKIO GENERAL INSURANCE  
COMPANY LIMITED.  
SHRI SHANTHI TOWERS,  
5<sup>TH</sup> FLOOR, NO. 141,  
3<sup>RD</sup> MAIN, EAST TO NGEF LAYOUT,  
KASTHURINAGAR,  
BENGALURU-560 043  
REPRESENTED BY ITS MANAGER,  
RAMYA K.R.  
COMPANY REGISTERED UNDER COMPANY ACT-1956  
... PETITIONER
- (BY SRI. B. PRADEEP., ADVOCATE)

**AND:**

1. YOGESHA  
S/O. LAKSHMAPPA @ LAKKAPPA,  
AGED ABOUT 48 YEARS  
R/O GOPPENAHALLI VILLAGE,  
CHANNAGIRI TALUK,  
DAVANAGERE DIST-577 502,  
PRESENT R/AT GUNDIMADU VILLAGE,  
HOLALKERE TALUK,  
CHITRADURGA DIST-577 501.
2. VENKATESHA. R,  
S/O LATE. RAMAPPA,  
AGED ABOUT 32 YEARS,  
R/O RANGASAMUDRA VILLAGE,  
HOLALKERE TALUK,  
CHITRADURGA DIST-577 501.

... RESPONDENTS

Digitally signed  
by SHWETHA  
RAGHAVENDRA  
Location: HIGH  
COURT OF  
KARNATAKA



THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO A. BE PLEASED TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT OR DIRECTION TO QUASH THE ORDERS ON IA NO. III DATED 31-01-2026 PASSED BY THE COURT OF THE SENIOR CIVIL JUDGE AND JMFC, HOLALKERE IN M.V.C. NO. 1033/2023 AT ANNEXURE - A AND ETC.

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

### **ORAL ORDER**

1. The Petitioner is before this Court seeking for the following reliefs:

- a. *Be pleased to issue a writ of certiorari or any other appropriate writ or direction to quash the orders on IA No.III dated 31-01-2026 passed by the Court of the Senior Civil Judge and JMFC, Holalkere in M.V.C. No.1033/2023 at **Annexure-A**.*
- b. *Be pleased to issue a writ of mandamus of any other appropriate writ or directions to reject the application filed by the Claimant IA No. III under Section 5 of the Limitation Act at dated on 04-06-2025 **Annexure-C** in M.V.C. No. 1033/2023 on the file of the Court of the Senior Civil Judge and JMFC, Holalkere and hold that the Claim Petition is not maintainable.*
- c. *Be pleased to grant/pass such other orders or directions in favour of the Petitioner in the circumstances of the case.*



2. In the above petition, the short question that arises for consideration is whether a claim petition filed under sub-section (3) of Section 166 of the Motor Vehicles Act, 1988 would be maintainable if instituted beyond a period of six months from the date of the accident.
3. It is not in dispute that the said issue is presently under consideration before the Hon'ble Supreme Court in SLP Nos.8412-8413/2023. By way of an interim order, the Hon'ble Supreme Court has observed that the pendency of the Special Leave Petitions shall not preclude the Motor Accident Claims Tribunal from proceeding with the adjudication of claim petitions, however, it has been expressly stipulated that final judgments shall not be pronounced.
4. In view of the aforesaid development and having regard to similar interim orders passed by this Court in connected matters, it is submitted that this



petition may be disposed of with appropriate directions to the Motor Accident Claims Tribunal to proceed with the matters, subject to the limitation imposed by the Hon'ble Supreme Court.

5. Having considered the submissions and the interim directions issued by the Hon'ble Supreme Court, I deem it appropriate to dispose of this petition with the following directions:

- 5.1. The Motor Accident Claims Tribunal shall be at liberty to proceed with the adjudication of the claim petitions in all respects, including recording of evidence and hearing of arguments;

- 5.2. However, the Tribunal shall not pronounce or draw up the final award in the said proceedings until further orders are passed by the Hon'ble Supreme Court in SLP Nos. 8412–8413/2023.

6. It is further clarified that the ultimate outcome of the proceedings before the Tribunal shall abide by the



decision to be rendered by the Hon'ble Supreme Court in the aforesaid Special Leave Petitions.

6.1. In the event the Hon'ble Supreme Court holds that claim petitions filed beyond the period of six months from the date of the accident are maintainable, the Tribunal shall be at liberty to proceed to pronounce and draw up the final award in accordance with law;

6.2. Conversely, if it is held that such claim petitions are not maintainable, the Tribunal shall pass appropriate orders in conformity with the law so declared.

7. With the above observations, the Writ Petition stands ***disposed.***

Sd/-  
(SURAJ GOVINDARAJ)  
JUDGE

KTY  
List No.: 1 Sl No.: 31