HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF JANUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE B M SHYAM PRASAD

WRIT PETITION NO. 173 OF 2026 (GM-AC)

BETWEEN:

THE MANAGER
IFFCO TOKIO GENERAL
INSURANCE COMPANY LIMITED.
NO. 141, SRI. SHANTHI TOWER,
NGEF LAYOUT, KASTURINAGAR,
BENGALURU-560043
REPRESENTED BY ITS MANAGER,
NARENDRAN.S
COMPANY REGISTERED UNDER
COMPANY ACT-1956

...PETITIONER

(BY SRI. B. PRADEEP.,ADVOCATE)

Digitally signed by VANAMALA N
Location: HIGH COURT OF KARNATAKA

AND:

1. KUM. TEJASWINI @ TEJU N
D/O. NARASIMHA REDDY,
AGED ABOUT 26 YEARS.
R/AT. TAMAKA VILLAGE AND POST,
KOLAR TALUK AND DISTRICT. -563130.

2. GIRISH KUMAR S
S/O. SRINIVASA,
AGED ABOUT 24 YEARS,
R/AT. ALLALASANDRA VILLAGE,
KAPPALAMADUGU POST,
MULABAGAL TALUK,
KOLAR DISTRICT - 563 131.

...RESPONDENTS

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDERS ON IA DATED 03-12-2025 PASSED BY THE COURT OF XXI ADDL. SMALL CAUSE JUDGE, ACJM, BANGALORE IN M.V.C.NO.3175/2025 AT ANNEXURE-A; DIRECTIONS TO ALLOW THE APPLICATION FILED BY THE PETITIONER UNDER SEC.151 OF CPC ON IA NO.III AT ANNEXURE-E IN M.V.C.NO.3175/2025 ON THE FILE OF THE COURT OF XXI ADDL. SMALL CAUSE JUDGE, ACJM, BANGALORE AND HOLD THAT THE CLAIM PETITION IS NOT MAINTAINABLE.

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

CORAM: HON'BLE MR. JUSTICE B M SHYAM PRASAD

ORAL ORDER

This petition is by the Insurer who is called upon to answer a claim under Section 166 of the Motor Vehicles Act, 1988 [for short, *'the Act'*] in the claim petition in MVC No.3175/2025 on the file of the XXI Additional Small Causes Judge and ACJM, Bengaluru [for short, '*the Tribunal*']. If the claimant has filed an application under Section 5 of the Limitation Act, 1963 for condonation of the delay in filing the claim petition, the petitioner has filed an application under Section 166[3] of the Act contending that the petition because it is filed beyond six months from the date of accident is not maintainable. The Tribunal, by the common impugned order dated 03.12.2025 has allowed the application filed by the claimant rejecting the application filed by the petitioner.

The question: whether a belated claim petition could be entertained condoning the delay under

Section 5 of the Limitation Act, 1963 is pending with the Apex Court in SLP Nos.8412-8413/2023 and similar matters in the writ petition in WP [Civil] No. 166/2024 and connected matters. It remains undisputed that the Apex Court by its interim order dated 16.12.2025 has observed that the pendency of the writ petitions/special leave petitions before it shall not come in the way of the claim petitions being adjudicated by the Tribunals but with the stipulation that judgments shall not be finalized.

This Court is of the considered view that with the afore-stipulation, this petition must be disposed of observing that the Tribunal's impugned order will be subject to the outcome in the pending matters before the Apex Court. With this arrangement, the inquiry into the merits of the claim petition will continue, but the Tribunal will refrain from pronouncing its judgment and award so that the decision on the merit of the claim petition otherwise

will be subject to the Apex Court's decision on the afore question.

The petition stands disposed of accordingly.

Sd/-
(B M SHYAM PRASAD)
JUDGE

AN/-