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. 869 OF 2026 (GM-AC)

BETWEEN:

THE DIVISIONAL MANAGER
THE NEW INDIA ASSURANCE COMPANY LTD
2ND FLOOR, A.M. ARCADE,
C.G. HOSPITAL ROAD,
NEAR VIDHYARTHI BHAVANA,
DAVANAGERE.
NOW REP BY,
LEGAL MANAGER,
NEW INDIA ASSURANCE
COMPANY LTD,

MOTOR TP HUB,
9/2, 2ND FLOOR,
MAHALAKSHMI CHAMBERS,
MG ROAD, BANGALORE-560001
REPRESENTED BY ITS MANAGER,
COMPANY REGISTERED
UNDER COMPANY ACT-1956.

...PETITIONER

(BY SRI. B. PRADEEP.,ADVOCATE)

Digitally signed by VANAMALA N
Location: HIGH COURT OF KARNATAKA

AND:

1. NANDAN
S/O. NIRVANAPPA,
AGED ABOUT 07 YEARS.

SINCE 1ST RESPONDENT IS
MINOR WILL BE REP. BY HIS
FATHER AND N/G I.E., NIRVANAPPA.
AGED ABOUT 36 YEARS.
R/AT CHIKKUDA VILLAGE,
CHANNAGIRI TALUK,
DAVANAGERE DISTRICT.

2. DEVARAJA,
S/O. HANUMANTHAPPA,
AGED ABOUT 26 YEARS,
R/O. CHIKKUDA-GOLLARAHATTI VILLAGE,
CHANNAGIRI TALUK,
DAVANAGERE DISTRICT.

...RESPONDENTS

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDERS ON IA NO. II DATED 20-08-2025 PASSED BY THE COURT OF SENIOR CIVIL JUDGE AND JMFC., CHANNAGIRI, IN M.V.C. NO.72/2025 AT ANNEXURE - A; B. BE PLEASED TO ISSUE A WRIT OF MANDAMUS OF ANY OTHER APPROPRIATE WRIT OR DIRECTIONS TO ALLOW THE APPLICATION FILED BY THE PETITIONER UNDER ORDER 7 RULE 11 READ WITH SECTION 151 OF THE AT CODE OF CIVIL PROCEDURE AND SECTION

166(3) OF THE MV ACT ANNEXURE-C IN M.V.C. NO. 72/2025 ON THE FILE OF THE COURT OF SENIOR CIVIL JUDGE AND JMFC., CHANNAGIRI, AND HOLD THAT THE CLAIM PETITION IS NOT MAINTAINABLE.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, 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.72/2025 on the file of the Senior Civil Judge and JMFC, Channagiri [for short, '*the Tribunal*']. If the claimants have 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 Order VII Rule 11[d] of the Code of Civil Procedure, 1908 read with Section 166[3] of the Act contending

that the claim petition is not maintainable because it is filed beyond six months from the date of accident. The Tribunal, by the common impugned order dated 20.08.2025, has allowed the application filed by the claimants 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/-