HC-KAR

NC: 2026:KHC:21275
WP No. 12206 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 12206 OF 2026 (GM-AC)

BETWEEN:

THE MANAGER
THE IFFCO TOKIO GENERAL
INSURANCE COMPANY LIMITED.
IFFCO TOWER II,
PLANT 3, SECTOR 29,
GURGAOM, HARYANA - 132 001.
NOW REP. BY IFFCO TOKIO GENERAL INSURANCE
COMPANY LTD.,
SRI. SHANTHI TOWERS, 141,
5TH FLOOR, 3RD MAIN, EAST OF NGEF LAYOUT,
KASTURI NAGAR,
BENGALURU,
KARNATAKA - 560 043.
REPRESENTED BY ITS SENIOR MANAGER
NARENDRA S.
COMPANY REGISTERED UNDER COMPANY ACT-1956

...PETITIONER

(BY SRI. B. PRADEEP, ADVOCATE)

Digitally signed by CHAITHRA A
Location: HIGH COURT OF KARNATAKA

AND:

1. NABIKHAN
   S/O. LATE VALEEKHAN,
   AGED ABOUT 68 YEARS.
   R/O. BAPUNAGARA,
   HESGAL POST,
   MUDIGERE TALUK,
   CHIKKAMAGALURU DISTRICT - 577 132

2. RAMEGOWDA K.S.,
S/O. LATE SUBBEGOWDA,
AGED ABOUT 85 YEARS,
R/O. MAGGALAMAKKI,
DARADAHALLY VILLAGE,
JOGANNANAKERE POST,
MUDIGERE TALUK,
CHIKKAMAGALURU DISTRICT - 577 132

…RESPONDENTS

(BY SRI. .,ADVOCATE)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TOA. BE PLEASED TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT OR DIRECTION TO QUASH THE ORDERS DATED 03-07-2025 PASSED ON I.A.NO.1 COURT OF THE SENIOR CIVIL JUDGE AND JMFC AT MUDIGERE IN M.V.C. NO. 243/2023 AT ANNEXURE - A.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, 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 passed by the Motor Accident Claims Tribunal in M.V.C.No.243/2023, 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

HDK
List No.: 3 Sl No.: 1