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The Divisional Manager vs Mr. Sunil

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Court : Karnataka Orders

Decided On : Feb-25-2026

Judge : B M Shyam Prasad

Appeal No. : WP/25248/2025

Appellant : The Divisional Manager

Respondent : Mr. Sunil

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF FEBRUARY, 2026 BEFORE THE HON'BLE MR. JUSTICE B M SHYAM PRASAD WRIT PETITION NO. 25248 OF 2025 (GM-AC) BETWEEN: THE DIVISIONAL MANAGER RELIANCE GENERAL INSURANCE COMPANY LIMITED, DIVISIONAL OFFICE, MAXIMAS COMMERCIAL COMPLEX, 4TH FLOOR, LIGHT HOUSE HILL ROAD, OPPOSITE KMC COLLEGE, MANGALURU, DAKSHINA KANNADA-575001. ALSO AT RELIANCE GENERAL INSURANCE COMPANY LIMITED, NO.28, 5TH FLOOR, EAST WING, CENTENARY BUILDING, M.G. ROAD, BENGALURU-560 001.

REPRESENTED BY MANAGER LEGAL Digitally PETITIONER signed by VANAMALA (BY SRI. ASHOK N PATIL, ADVOCATE) N Location: AND: HIGH COURT OF KARNATAKA 1. MR. SUNIL S/O RAMESH DEVADIGA, AGED ABOUT 34 YEARS, RESIDENT OF NO.3-205-1, DEVI KRIPA HOUSE, YERMAL BADA, TENKA, ADMAR, UDUPI-574119.

2. MR. MOHAMMED NIZAMUDDIN S/O SAYYED BAVA, -2- AGED ABOUT 60 YEARS, RESIDENT OF NO.6-165/5, PUDU VILLAGE AND POST, KUNJA THAKLA HOUSE, FARANGIPET, BANTWAL, DAKSHINA KANNADA-574143. RESPONDENTS THIS WRIT PETITION IS FILED UNDER ARTICLES

226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER AS PER ANNEXURE-H DATED 25.01.2025 PASSED BY THE COURT OF THE ADDITIONAL SENIOR CIVIL JUDGE AND ADDITIONAL MACT, AT UDUPI IN MVC NO.511/2023 ON I.A. NO. I FILED UNDER SECTION 5 OF THE LIMITATION ACT, TO CONDONE THE DELAY OF 40 DAYS IN FILING THE CLAIM PETITION AND QUASH THE ORDER DATED 25.01.2025 PASSED BY THE COURT OF THE ADDITIONAL SENIOR CIVIL JUDGE AND ADDITIONAL MACT, AT UDUPI IN MVC NO.511/2023 ON I.A NO.III FILED UNDER ORDER VII RULE 11(D) READ WITH SECTION 151 OF CIVIL PROCEDURE CODE READ WITH SECTION 166(3) MOTOR VEHICLES (AMENDMENT ACT) 2019 AS PER ANNEXURE F AND ETC. THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER: CORAM: HON'BLE MR. JUSTICE B M SHYAM PRASAD -3-

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.511/2023 on the file of the Additional Senior Civil Judge and ACJM,

Udupi [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

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 25.01.2025, has allowed the application filed by the claimant rejecting the application filed by the petitioner. -4- 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.

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 -5- pronouncing its judgment and award so that the decision on the merit of the claim petition otherwise will be subject to the Apex Courts decision on the afore question. The petition stands disposed of accordingly. Sd/- (B M SHYAM PRASAD) JUDGE NV List No.: 4 Sl No.: 18

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