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The Divisional Manager vs Kum Sunitha

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Court : Karnataka Orders

Decided On : Feb-25-2026

Judge : B M Shyam Prasad

Appeal No. : WP/29317/2024

Appellant : The Divisional Manager

Respondent : Kum Sunitha

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. 29317 OF 2024 (GM-AC) BETWEEN: THE DIVISIONAL MANAGER SHRIRAM GENERAL INS. CO. LTD., SITAPUR, INDUSTRIAL AREA, JAIPUR, RAJASTHAN-302022. NOW REPRESENTED BY THE MANAGER, SHRIRAM GENERAL INS. CO. LTD., NO.3/5, III FLOOR, S V ARCADE, BILAKALLI MAIN ROAD, OFF B.G. ROAD, IIM POST, BENGALURU - 560 076 PETITIONER (BY SRI. A N KRISHNA SWAMY., ADVOCATE) Digitally signed by AND: VANAMALA N

Location: 1. KUM. SUNITHA HIGH D/O MANJAPPA COURT OF KARNATAKA AGED ABOUT 18 YEARS R/O DODDAABBEGERE VILLAGE, CHANNAGIRI THALUK, DAVANAGERE DISTRICT, NOW R/O SHAMBHU S/O MALLESHAPPA, OLD BARAMPURA, HARIHARA TOWN-577601 -2-

2. PENNASWAMMY S.H. S/O SANNA HANUMANTHAPPA 41 YEARS, R/O MARADIHALLI VILLAGE, HERIYUR THALUK, CHITRADURGA DISTRICT - 577 532

3. MAHANTHESH K.

S/O KENCHAPPA 40 YEARS R/O NO.10, G. KAKKEHANNEHAL, CHITRADURGA - 577 555 RESPONDENTS (BY SMT. SHRUTHI S P., ADVOCATE FOR R1) THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDERS AS PER ANNEXURE-F DATED 25.06.2024 PASSED BY SENIOR CIVIL JUDGE AND J.M.F.C. HARIHARA DISMISSING THE APPLICATION

BEARING NO.1 FILED BY PETITIONER UNDER ORDER

VII RULE 11(d) READ WITH SECTION 151 OF CPC, READ WITH SECTION 166(3) OF MV ACT IN MVC NO. 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.365/2023 on the file of the Senior Civil Judge and J.M.F.C., Harihara [for short, 'the Tribunal']. The petitioner has filed an application under Order VII Rule 11[d] r/w. Section 151 of the Code of Civil Procedure, 1908 contending that the claim petition cannot be entertained because it is filed beyond six months from the

date of accident. The Tribunal, by the impugned order dated 25.06.2024, has rejected the petitioners application. The question: whether a claim petition filed beyond six months from the date of the accident can be entertained 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 -4- 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 Courts decision on the afore question. -5- The petition stands disposed of accordingly. Sd/- (B M SHYAM PRASAD) JUDGE NV List No.: 4 Sl No.: 15

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