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The Manager vs Ambarish Alias Ambarish G

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Court : Karnataka Orders

Decided On : Feb-25-2026

Judge : B M Shyam Prasad

Appeal No. : WP/30018/2024

Appellant : The Manager

Respondent : Ambarish Alias Ambarish G

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. 30018 OF 2024 (GM-AC) BETWEEN: THE MANAGER M/S BHARTI AXA GENERAL INSURANCE CO. LTD., 2ND SVR COMPLEX, HOUSURU MAIN ROAD, BENGALURU - 560068. NOW REP. BY THE MANAGER, ICICI LOMBARD GENERAL INSURANCE CO. LTD. OFFICE AT ESTATE BUILDING,

Digitally NO.121, 9TH FLOOR, signed by VANAMALA DICKENSON ROAD CROSS (M G ROAD) N Location: BENGALURU - 560 042 HIGH COURT OF

KARNATAKA PETITIONER (BY SRI. A N KRISHNA SWAMY., ADVOCATE) AND:

1. AMBARISH @ AMBARISH G S/O OF GANESHRAO, -2- AGED ABOUT 48 YEARS, R/O MIRJA LAYOUT, NEAR VIJAYA BANK, HIRIYURU CITY, CHITRADURGA DISTRICT - 577 598

2. HANUMANTHARAYA S/O THIMMANNA, R/O HUVINAHOLE VILLAGE, HIRIYUR TALUK, CHITRADURGA DISTRICT - 577598 RESPONDENTS THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDERS IA NOS. I AND II AS PER ANNEX-F DATED 11.07.2024 PASSED BY SENIOR

CIVIL JUDGE AND JMFC, HIRIYUR IN MVC NO.979/2023 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.979/2023 on the file of the Senior Civil Judge and JMFC, Hiriyur [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 11.07.2024, 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.: 16

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