



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 12TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

WRIT PETITION NO. 200102 OF 2025 (MV)

BETWEEN:

THE MANAGER
ICICI LOMBARD INSURANCE CO. LTD.,
3RD FLOOR, AKA ASIAN GRAND,
OPPOSITE GESCOM OFFICE, STATION ROAD,
KALABURAGI, DIST.KALABURAGI-585101,
REP BY ITS AUTHORIZED SIGNATORY.

...PETITIONER

(BY SRI. SUBHASH MALLAPUR, ADVOCATE)

AND:

1. SHIVRAJ S/O JAGANNATH BHURE,
AGE: 52 YEARS, OCC:AGRICULTURE, NOW NIL,
R/O ANANDWADI, TQ.BHALKI,
DIST.BIDAR.
2. NARAYAN S/O GYANESHWAR BIRADAR,
AGE: MAJOR, OCC:DRIVER,
R/O VILLAGE RAMTEERTHWADI, TQ.BHALKI,
DIST.BIDAR
(DRIVER AND OWNER OF TVS STAR CITY MOTOR
CYCLE BEARING NO.KA-39-U-2859)

...RESPONDENTS





THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO A) ISSUE A WRIT IN NATURE OF CERTIORARI AND QUASH THE ORDER DATED 05.10.2024 PASSED IN I.A. NO.II, BY THE SENIOR CIVIL JUDGE & ADDL. MACT BHALKI IN MVC.NO.618/2023 VIDE ANNEXURE-E. B) ISSUE ANY OTHER WRIT ORDER OR DIRECTION AS THIS HON'BLE COURT DEEMS FIT UNDER THE CIRCUMSTANCE OF THE CASE. C) PASS ANY SUCH ORDER OR DIRECTION DEEMS FIT UNDER THE CIRCUMSTANCE OF THE CASE.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

ORAL ORDER

This writ petition under Article 227 of the Constitution of India is filed by the petitioner seeking the following reliefs:

"a) Issue a writ in nature of certiorari and quash the order dated 05.10.2024 passed in I.A. No.II, by the Senior Civil Judge & Addl. Mact Bhalki in MVC.No.618/2023 vide Annexure-E.

b) Issue any other writ order or direction as this Hon'ble Court deems fit under the circumstance of the case.

c) Pass any such order or direction deems fit under the circumstance of the case."



2. Learned counsel for the petitioner fairly submits that similar petitions have been disposed of by Co-ordinate Bench of this Court, taking into consideration the order passed by the Hon'ble Supreme Court in Writ Petition (Civil) No.166/2024 in the case of ***Bhagirathi Dash vs. Union of India and Another*** and therefore, even this writ petition may be disposed of in terms of the order passed by the Co-ordinate Bench of this Court in ***WP No.200049/2026***, disposed of on 22.01.2026.

3. Said submission is placed on record.

4. The petitioner-insurance company has called in question the order dated 05.10.2024 passed on IA No.II by the Senior Civil Judge and JMFC and Member of MACT, Bhalki in MVC No.618/2023, wherein the application filed by the petitioner-insurance company to dismiss the claim petition on the ground of limitation has been rejected.



5. Co-ordinate Bench of this Court in **WP No.200049/2026**, in paragraph Nos.5 and 6 has observed as under:

*"5. There are several matters from different Courts across the country which have approached the Hon'ble Supreme Court, being aggrieved by the rejection of the application and by the delay being condoned by the claims Tribunal, thereby permitting the continuation of the claim petition in Writ Petition (Civil) No.166/2024 in the case of **Bhagirathi Dash vs. Union of India and Another** which is pending before the Hon'ble Supreme Court involving the question of limitation prescribed by the amended Motor Vehicles Act. The Hon'ble Supreme Court, vide order dated 16.12.2025, passed the following order:*

"The pendency of these matters would also not come in the way of claim petitions being adjudicated by the Tribunals, except finalising the judgments.

Let the matter be listed on 10.02.2026 at 02.00 p.m."

6. *This being the state of affairs, the Hon'ble Apex Court has infact held that the claim petitions could proceed except finalising the judgments. Therefore,*



*it would be in the interest of both the parties and prudence demands that in view of several pendency of matters, the claim petitions before the respective Courts shall proceed further except finalising the judgments in each of the matters. Accordingly, the writ petition is **disposed of.**"*

6. Under the circumstances, this writ petition is **disposed of** and the claim petition before the Tribunal shall be proceeded further in accordance with law, except pronouncing the judgment.

Sd/-
(S.VISHWAJITH SHETTY)
JUDGE

NJ
List No.: 1 Sl No.: 12
CT:PK