



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 11TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

WRIT PETITION NO.203753 OF 2025 (GM-CPC)

BETWEEN:

THE RELIANCE GEN. INS CO. LTD,
ASIAN PLAZA COMPLEX,
S.V.PATEL CHOWK, STATION MAIN ROAD,
KALABURAGI,
(NOW REPRESENTED BY AUTHORIZED SIGNATORY,
DESHPANDE NAGAR HUBLI).

...PETITIONER

(BY SMT. PREETI PATIL MELKUNDI, ADVOCATE)

AND:

1. SIDDHALING W/O BASAVARAJ YANKANCHI,
AGE: 29 YEARS, OCC: SOFTWARE ENGINEER
(EX) PLOT NO.42, SRINAGAR JEWARGI ROAD,
KALABURAGI - 585101.
2. RAHUL S/O LAXMICHAND VISHWAKARM,
AGE: 32 YEARS, OCC: RC OWNER OF MOTOR
CYCLE BEARING NO.MH03DH5101,
R/O 1104 PANCH RITU BEHIND,
S. M. SHETTY SCHOOL, PANCH SHRUSHTI COMPLEX,
POWAL MUMBAI, MAHARASHTRA INDIA - 400072.
3. NIKHIL AVHAD
AGE: 32 YEARS, OCC: EC OWNER OF CYCLE
BEARING NO.MH03DH5101
R/O 217 DR BABASAHEB AMBEDKAR NAGAR,
T. L. VASWANI MARG, CUFFE PARADE,





COLABE MUMBAI - 400005
(POLICY HOLDER)

...RESPONDENTS

(BY SRI. SANJEEV PATIL, ADVOCATE FOR R1;
V/O DATED 11.06.2026 NOTICE TO R2 AND R3
DISPENSED WITH)

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 04.11.2025 PASSED IN INTERLOCATORY APPLICATION NO. V BY THE 1ST ADDL SENIOR CIVIL JUDGE AND MACT AT KALABURAGI IN MVC NO. 1689/2023 VIDE ANNEXUE-C AND CONSEQUENTLY ALLOW THE SAME DIRECTING THE TRIBUNAL TO PERMIT THE PETITIONER TO FILE WRITTEN STATEMENT TO CLAIM PETITION. B) ISSUE ANY OTHER WRIT ORDER OR DIRECTION AS THIS HONOURABLE COURT DEEMS FIT UNDER THE CIRCUMSTANCES OF THE CASE IN THE INTEREST OF JUSTICE C) PASS ANY SUCH ORDER OR DIRECTION DEEMS FIT UNDER THE CIRCUMSTANCES OF THE CASE, IN THE INTEREST OF JUSTICE.

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

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

ORAL ORDER

This petition by the Insurance Company is directed against the impugned order dated 04.11.2025 passed in MVC No.1689/2023 by the I Addl. Senior Civil Judge and MACT, Kalaburagi, wherein the I.A.No.V filed by the



petitioner under Section 151 of CPC for permission to file the written statement was rejected by the Trial Court.

2. A perusal of the material on record would indicate that the respondent No.1-claimant instituted the aforesaid claim proceedings in MVC No.1689/2023 against the petitioner and other respondents for compensation of sum of Rs.56,75,000/- and for other reliefs. The petitioner/insurance company having not filed written statement within the prescribed period of 90 days, subsequently filed the instant application seeking permission to file the written statement, which was rejected by the Trial Court by passing the impugned order, which is assailed in the present petition.

3. The jurisdiction and power of Motor Accident Claims Tribunal to condone the delay and extend the time in filing the written statement came up for consideration of co-ordinate Bench of this Court in **WP No.203746/2025** disposed of on **25.11.2025**, wherein it is held as under:



" *Petitioner - Royal Sundaram General Insurance Company Limited represents itse authorized officer before this Court being aggrieved by the order dated 11.11.2025 passed by the I Additional Senior Civil Judge, Kalaburagi, which has rejected the application under I.A.No.I filed by the petitioner under Section 151 of CPC seeking permission to file the written statement.*

02. Learned counsel for the petitioner taking this Court through the records submits that the claim petition under Section 166 of Motor Vehicles Act, 1989 has been filed by the respondents herein seeking compensation on account of death of one Baragali arising a road traffic accident involving a tipper lorry bearing Reg.No.KA-28-B-5969 in the road traffic accident. That on 16.10.2024 notice of the said petition was served on the petitioner herein who was arrayed as respondent in the said claim petition. Petitioner herein appeared before the Tribunal on 22.02.2025. That on 22.03.2025 the Tribunal has taken as written statement not filed. She further submits that an application in I.A.No.I under Section 151 of CPC was filed on 07.11.2025 seeking permission to file the written statement. She submits that the delay in filing written statement was on account of the fact that the petitioner - insurance company was causing an internal enquiry regarding the claim being made by the respondents and it is



only thereafter that the petitioner could have filed the detailed written statement. Hence, there was a delay. That the Tribunal taking serious exception to that has rejected the application.

03. The learned counsel appearing for the respondents - claimants on the other hand submits that the delay in filing the written statement has not been satisfactorily explained. However, he submits that if a direction is issued to the Tribunal to take the written statement and to dispose the matter on merits in a time bound manner, the purpose would be served.

04. Heard. Perused the records.

05. The reason assigned by the Tribunal to reject the written statement referring to the Commercial Courts Act, as found at Para No.22 of the impugned order appears to be misplaced and misconceived.

*06. The Apex Court in the case of **Kailash vs. Nanhku and others**, reported in **(2005) 4 SCC 480**, has held that though order VIII Rule 1 of CPC, and the proviso thereto, casts an obligation on the defendant to file written statement within time prescribed therein, the provisions do not deal with nor specifically take away the power of Court to take a written statement on record, though filed beyond time as provided for therein. The provisions are directly and not mandatory. The condonation of delay in filing the written statement shall be*



considered depending on the facts of each case. That in spite of the time limit provided under Order VIII Rule 1 CPC, the Court is not powerless to permit a written statement being filed.

07. In the instant case the petitioner is stated to have entered appearance on 22.02.2025 and written statement is taken as not filed on 22.03.2025 which according to the petitioner was still within the period provided under Order VIII Rule 1 of CPC for filing the written statement and the permission to file written statement is sought on 07.11.2025 specifically on the premise that the petitioner - insurance company was collecting the information through its internal investigation with regard to authenticity otherwise the claim.

08. The issue involved in the matter is of claim for compensation on account of death of Baragali, leaving behind his wife, children and parents, the respondents herein. The payment of compensation will have financial impact of the petitioner - insurance company. The same is to be adjudicated based on the material evidence and pleadings.

09. In the considered view of this Court, the Tribunal ought to have considered the application filed by the petitioner and allowed the written statement to be filed.



10. Accordingly, the petition is **allowed**.

11. *The order dated 11.11.2025 is set aside. The Tribunal is directed to take the written statement on record and proceed further in accordance with law as expeditiously as possible."*

4. In the instant case, petitioner-Insurance Company submits that due to administrative reasons, it was not possible for them to file the written statement within the stipulated time frame.

5. Under these circumstances, in the light of the judgment of co-ordinate Bench of this Court in the case of **WP No.203746/2025**, I deem it just and appropriate to set aside the impugned order and allow the application filed by the petitioner and permit the petitioner to file the written statement, which is to be directed to be received by the Trial Court.

6. Accordingly, I pass the following:



ORDER

- i. The writ petition is hereby ***allowed***. The impugned order dated impugned order dated 04.11.2025 passed in MVC No.1689/2023 by the I Addl. Senior Civil Judge and MACT, Kalaburagi is hereby set aside.
- ii. I.A.No.V filed by the petitioner stands allowed.
- iii. The MACT is directed to receive the written statement filed by the petitioner and proceed further in the matter and dispose of the proceedings as expeditiously as possible.

Sd/-
(S.R.KRISHNA KUMAR)
JUDGE

NJ
List No.: 2 SI No.: 6
CT:SI