



**IN THE HIGH COURT OF KARNATAKA AT DHARWAD**

**DATED THIS THE 8<sup>TH</sup> DAY OF JUNE, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM**

**WRIT PETITION NO. 100356 OF 2025 (GM-AC)**

**BETWEEN:**

THE MANAGER  
HDFC ERGO GEN. ISN. CO.LTD.,  
REGIONAL OFFICE, 1ST FLOOR,  
VEERUPAXA KRUPA, OPP. KIMS  
MAIN GATE, P B ROAD,  
VIDYANAGAR, HUBBALLI-580021.

...PETITIONER

(BY SRI S.K.KAYAKMATH, ADVOCATE)

**AND:**

1. SRI ISHWAR S/O. MAHABALESHWAR  
PATAGAR, AGE: 28 YEARS,  
OCC: ATTENDER AND PEON,  
RAGI HOSALLI SEVA SAHAKARI  
SANGHA LTD., AND AGRICULTURE,  
R/O. RAGI HOSALLI,  
HEBRE, TQ. SIRSI,  
DIST. UTTARA KANNADA,  
NOW AT BAAD KUMATA-581343.
2. SRI RAGHAVENDRA S/O JAYAVANT PAI,  
PROPRIETOR,  
SRI LAXMI NARASIMHA ROOFING PRODUCTS,  
PLOT NO. R-21, BUILDING NO. C-1 - 69,  
INDUSTRIAL ESTATE, HEGDE ROAD,  
TQ. KUMTA, DIST. UTTARA KANNADA-581343.

...RESPONDENTS

(BY SRI VITTHAL S. TELI, ADVOCATE FOR R-1,  
R-2 SERVED)





THIS WRIT PETITION IS FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE WRIT OF CERTIORARI TO QUASH THE ORDER AS PER ANNEXURE-E DATED 23-11-2024 PASSED BY THE SENIOR CIVIL JUDGE AND PRL. JMFC AND ADDL. MACT, KUMTA, UTTARA KANNADA ON I. A. NO. I FILED UNDER SECTION 5 OF THE LIMITATION ACT. IN M V C 70/2024 AND CONSEQUENTLY, HOLD THAT THE CLAIM PETITION FILED IN MVC NO. 70/2024 ON THE FILE OF SENIOR CIVIL JUDGE AND PRL. JMFC AND ADDL. MACT. KUMTA, UTTARA KANNADA AS PER ANNEXURE-A IS NOT MAINTAINABLE.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN B'GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

**ORAL ORDER**

(PER: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM)

The captioned writ petition is filed by the Insurance Company calling in question the order dated 23.11.2024 passed by the Senior Civil Judge & Prl. JMFC & Addl. MACT, Kumta, on I.A.No.I filed in MVC No.70 of 2024, whereby the Tribunal has proceeded with the adjudication of the claim petition notwithstanding the contention of the petitioner that the claim petition itself is barred by limitation, having been instituted beyond the prescribed period of six months.

2. Learned counsel appearing for the petitioner-Insurance Company submits that the Tribunal has



committed an error in proceeding with the claim petition despite the admitted fact that the claim petition has been filed beyond the statutory period of six months. In support of his contention, learned counsel has placed reliance on a judgment rendered by a Co-ordinate Bench of this Court, wherein the question relating to the maintainability of claim petitions filed beyond the prescribed period and the applicability of Section 5 of the Limitation Act, 1963, for condonation of delay in such matters has been examined.

3. Having examined the judgment relied upon by the learned counsel for the petitioner, this Court is informed that the very same question, namely, whether a belated claim petition under the Motor Vehicles Act, 1988 can be entertained by invoking Section 5 of the Limitation Act, 1963 for condonation of delay beyond the statutory period, is presently under consideration before the Hon'ble Apex Court in ***Special Leave to Appeal (C) Nos.8412-8413 of 2023***. It is also brought to the notice of this Court that in several similar matters, Co-ordinate Benches



of this Court, while taking note of the pendency of the aforesaid Special Leave Petitions before the Hon'ble Supreme Court, have disposed of writ petitions with an observation that the pendency of the matter before the Hon'ble Apex Court shall not come in the way of the Tribunal proceeding with the adjudication of the claim petitions. However, the Tribunal has been directed to defer the pronouncement of the final judgment and award until the issue regarding maintainability of such belated claim petitions is authoritatively decided by the Hon'ble Supreme Court.

4. In the light of the consistent view taken by the Co-ordinate Benches of this Court and bearing in mind that the issue concerning the maintainability of claim petitions filed beyond the period of six months is presently sub judice before the Hon'ble Apex Court, this Court deems it appropriate to adopt the same course. Accordingly, the Motor Accident Claims Tribunal is directed to proceed with the adjudication of the claim petition on merits.



5. However, the Tribunal shall refrain from pronouncing the final judgment and award until the Hon'ble Supreme Court renders its decision in the aforesaid Special Leave Petitions concerning the maintainability of claim petitions filed beyond the prescribed period of limitation. With these observations and directions, the writ petition stands ***disposed of.***

**Sd/-  
(SACHIN SHANKAR MAGADUM)  
JUDGE**

VNP  
CT:GSM  
List No.: 3 Sl No.: 16