



**IN THE HIGH COURT OF KARNATAKA AT DHARWAD
DATED THIS THE 8TH DAY OF JUNE, 2026**

BEFORE

**THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM
WRIT PETITION NO. 102728 OF 2024 (GM-AC)**

BETWEEN:

THE MANAGER

ICICI LOMBARD GENERAL INSURANCE CO. LTD.,
ICICI LOMBARD HOUSE, 414 VEERSAVARAKAR MARG,
NIDDI VINAYAK TEMPLE, PRABHADEVI, MUMBAI-400026,
BY ITS AUTHORISED SIGNATORY

...PETITIONER

(BY SRI CHANNABASAVARAJ S. SHETTAR, ADVOCATE)

AND:

1. SRI. RAJANIKANT BHAUSAB KATTE,
AGED ABOUT 62 YEARS, OCC: BUSINESS,
R/O. RAMPUR, TQ. NIPPANI, DIST. CHIKKODI,
NOW RESIDING AT INDIRA NAGAR,
CHIKKODI, TQ. CHIKKODI, DIST. BELAGAVI.
2. M/S ABHINANDAN CARRIERS
PLOT NO.3 AND 20, H. NO.4-12-1092,
SHOP NO.9 AND 10 SRI SAI COMPLEX,
HAYAT NAGAR, VANASHTHALI PURAM,
TELANGANA-500070.

...RESPONDENTS

(R-1 AND R-2 ARE SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE APPROPRIATE WRIT OR ORDER TO QUASH THE ORDER AS PER ANNEXURE-D DATED 12.12.2023 PASSED BY THE LEARNED PRINCIPAL SENIOR CIVIL JUDGE, CHIKKODI, IN MVC NO. 1851/2023 ON I.A. I FILED BY RESPONDENT NO.1 UNDER SECTION 5 OF THE LIMITATION ACT, ANNEXURE-B AND REJECT THE APPLICATION FILED BY THE RESPONDENT NO.1 AS PER ANNEXURE-C AND HOLD THAT CLAIM PETITION AS PER ANNEXURE-A IS NOT MAINTAINABLE IN MVC NO.1851/2023.





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 12.12.2023 passed by the Prl. Senior Civil Judge Chikkodi, on I.A.No.I filed in MVC No.1851 of 2023, 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.: 2