

BEFORE THE KARNATAKA STATE CONSUMER DISPUTES REDRESSAL COMMISSION
Basava Bhavan, Sri Basaveswara Circle, High grounds, Bangalore-560001.

Case No. - A/2838/2024

Appellant/s

1 . THE BRANCH MANAGER POLICY ISSUING BRANCH SBI GENERAL INSURANCE COMPANY LIMITED.

2ND FLOOR KALBURGI HALMARK DESAI CROSS PINTO ROAD DESHPANDE NAGAR HUBBALLI 580029 INSURER OF VEHICLE NO KA 27 M 4761 POLICY NO 000000000486858 02 VALID FROM 31 10 2014 TO 30 10 2015 (By MANOJ KUMAR M R)

2 . SBI GENERAL INSURANCE COMPANY LIMITED REPRESENTED BY ITS AUTHORIZED SIGNATORY CONSUMER LITIGATION CLAIMS SOUTH 3RD FLOOR A BLOCK GOOD SHEPHERD SQUARE KODAMBAKKAM HIGH ROAD NUMGAMBAKKA CHENNAI 600034

-Versus-

Respondent/s

1 . SMT KAVITA DAUGHTER OF MARAYYA WARANGAL. AGED ABOUT 53 YEARS OCCUPATION GOVERNMENT SERVANT RESIDENT OF DR B R AMBEDKAR DEVELOPMENT CORPORATION OFFICE METGUD BUILDING MAHANTESH NAGAR BELAGAVI 590016

ORDER SHEET

Appeal received on 03/11/2024 through Advocate MANOJ KUMAR M R .

This is an Appeal preferred against the orders passed by the District Consumer Commission Belgaum on 14/06/2024 in CC/320/2024. Placed before Principal Bench/Additional Bench of the Commission on 21/11/2024 at 10.30 A.M

- 1. Order dtd. 14/06/2024**
- 2. Delay (97 Days)**
- 3. IA for CONDONATION OF DELAY- FILED**
- 4. IA For STAY APPLICATION-FILED**

AR CUM AAO KSCDRC, Bangalore

This Case Is Assigned to ~~ADDITIONAL~~ BENCH Hearing Date: 21-11-2024 At 10.30am.

PRESIDENT

5/1/26

A: MMR

R: Rohit.N

For orders

ORDER ON APPLICATION

(PER: HON'BLE MR. RAVISHANKAR, PRESIDENT)

OP in complaint No.320/2024, preferred this appeal against order dated: 14.06.2024, which allowed the application filed by the complainant for condonation of delay and learned counsel for appellant submits that the District Commission without providing any reasons for allowing application for condonation of delay has simply allowed the application and admitted the complaint and proceeded to adjudicate the matter.

2. Section 69 of C.P. Act, categorically maintained that limitation period of 2 years from the date of cause of action arise to file a complaint before the District Commission or State Commission. Neglecting provisions of the Section 69, the District Commission allowed the complaint. There is an inordinate delay of the 7 years 28 days in filing the complaint before the District Commission. The District Commission ought to dismiss the complaint as it is barred by time, instead on that, the District Commission allowed the

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application for condonation of delay without providing in a valid reason. Hence, prays to set aside the order passed by District Commission and dismiss the complaint as barred by time in the interest of justice and equity.

3. Perused the certified copy of the order sheet maintained in Complaint No.320/2024, Appeal Memorandum and objections filed by the respondent in the appeal.

4. It is noticed that the complaint claimed for own damage towards the Ford Figo bearing No.KA-27 M 4761. After claim, the matter was referred to Permanent Lok Adalat vide No.1748/2016. The matter was not settled before the Permanent Lok Adalat. Consequently, the entire file was returned to the respondent/complainant on 01.09.2018 with the following Order:

“The counsel for petitioner filed Memo today. In view of the submission made by the counsel for the petitioner in the memo, this petition is closed as withdrawn with a liberty to file fresh petition with same cause of action before the appropriate forum. Office is directed to return the original documents, if any”

5. Thereafter, the complaint chosen to file a complaint before the District Commission vide No.320/2024. The complaint was filed on 03.06.2024 and placed before the Commission on 14.06.2014. On the same day, at the time of admission, the accompanying application for condonation of delay was allowed and the matter was admitted notice was issued to the appellant, he came on record before District

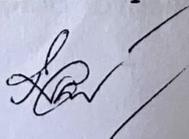


Commission and filed a serious objections with respect to the allowing the application for condonation of delay and submits for dismissal of the complaint as barred by time and also preferred this appeal to set aside order dated; 14.06.2024.

6. It is an admitted fact that the matter was not settled before Permanent Lok Adalat for the best reason to known the both the parties. There was a clear direction given by the Permanent Lok Adalat authority to the complainant/respondent to approach appropriate authority for remedy. Basing on the said direction, the complainant approached the District Commission alleging deficiency in service and filed a complaint for recovery of the own damages towards her vehicle.

7. The sworn affidavit by the respondent/complainant reflects that there is a relaxation provided to the parties with respect to the delay in filing complaint or suits. The application for condonation of delay shall be acceptable. Basing on the said reason also, the complaint filed a complaint before District Commission on 03.06.2024. The District Commission also has considered the sworn affidavit and reasons assigned in the affidavit had allowed the application for condonation of delay and admitted the complaint.

8. We are of the opinion that, when the District Commission had accepted the reasons assigned in the affidavit filed by the complainant, the delay was condoned.



The reasons sworn in affidavit are just and proper, we do not consider, there is any false or wrong information given by the complainant for non-filing the complaint well within time. At the same time, proper reasons were not assigned by the appellant why the own damage claim was not settled and so for, the claim of the complainant was not at all repudiated. When the matter was disposed by the Permanent Lok Adalat with a direction to approach the appropriate authority, the complaint approached the District Commission after the relaxation of the restriction of the Pandemic Covid-19. We consider the matter requires for adjudication. Hence, appeal is dismissed. The District Commission is directed to adjudicate the matter on merits and dispose expeditiously after accepting evidence and documents produced by the both the parties.

S. Sunita C. Bagewadi
5/11/2026
(SMT. SUNITA C. BAGEWADI)
MEMBER

Shri Ravishankar
5/11/26
(SHRI RAVISHANKAR)
JUDICIAL MEMBER



CERTIFICATE	
CR No.	
Copy Applied on	6-1-2026
Copy ready on	9-1-2026
Copy delivered / Dispatched on	Date: 9-1-2026 By Hand / Post
Free copy sent on	
<p><i>Handwritten Signature</i> 9/11/26</p> <p>Asst. Registrar, Permanent Lok Adalat Karnataka State Consumer Disputes Redressal Commission Permanent Circuit Bench, Belagavi, K. H. Road, Belagavi 3rd Floor, Auto Nagar, Belagavi-591126.</p>	