

27.02.2024

**One regular Steno is on CCL from 19.02.2024 to
06.03.2024.**

Present: Sh. Yashpal Singh & Sh. Aarya Shekhar, Ld. Counsels
for petitioner.

None for R1 & R2.

Ms. Roshi Aggarwal, Ld. Proxy Counsel for R3/Insurer.

Submissions on the pending application moved on behalf of
R3/Insurer under Section 166 M.V. Act r/w Section 151 CPC heard.

An application is moved on behalf of R-3 under section 166
of M.V. Act r/w Section 151 CPC seeking rejection of petition on ground
of territorial jurisdiction. It is stated in the application that the accident
took place at Sahibabad, Ghaziabad, U.P. and petitioners are resident of
U.P. and respondents No.1 and 2 are the residents of Haryana and R3 has
policy insurance office at Himachal Pradesh and hence the claim petition
is not maintainable before the present Tribunal.

In reply to the application, it is stated that insurance
company has its branch office within jurisdiction of the present Tribunal
and hence, claim petition is maintainable before this Tribunal.

In the judgment of Malti Sardar Vs. National Insurance Co.
Ltd & Ors. Civil Appeal No. 10 of 2016 as decided on 05.01.2016, it is
specifically observed that “There is no bar to a claim petition being filed
at a place where the insurance company, which is the main contesting
parties in such cases, has its business.” Hence, once it is not denied that
Insurance Co. has its business and regional office within the jurisdiction
of the present tribunal. the application has no merit and R-3 has its

business and regional office within jurisdiction of the present Court in Delhi.

In my considered view, there is no bar to filing of a claim petition appeared the present Court. Hence, the application moved by R-3 stands dismissed.

Be put up for filing of WS on **30.05.2024**.

(Mayuri Singh)

**P.O. MACT (East)/Delhi
27/02/2024**