

MACP No.582/22
Priya Dosar Vs. Sri Hari Gupta & ors.

27.10.2023

Present : None for petitioner.
Sh. Gajendra Kumar, Ld. Counsel for R-3 / insurer.

Matter is fixed for order.
No clarifications required.
Put up for orders at 4 pm.

At 4.00 pm

Present : None.

Perused. This is an application u/s 166 of the Motor Vehicles Act, 1988 r/w Section 151 CPC on behalf of R-3 / insurer for rejecting the claim petition for want of territorial jurisdiction.

Submission already heard. perused. The respondent No. 3 / insurance company has taken the plea that neither respondents No.1 and 2 nor the petitioners are residing in Delhi nor policy issuing office or place of accident is in Delhi. It is submitted by Ld. Counsel for R-3 that accident took place in Meerut and FIR was registered there. Further petitioner is the permanent residents of Meerut, UP and both the respondent Nos. 1 and 2 are also residents of Meerut, UP. Further policy issuing office for insurance company is situated in Meerut,U.P.. In reply to the application it is stated that office of defendant No. 3 is at Laxmi Nagar, which is within jurisdiction of this Court and application is not maintainable. Further it was orally submitted that in view of the judgment of *Malti Sardar vs. National Insurance Co. Ltd & Ors. Civil*

Appeal No. 10 of 2016 as decided on 05.01.2016, the application has no merit and R-3 has its business and regional office within jurisdiction of the present Court in Delhi.

Heard both sides. Record perused.

It is not denied that insurance company has its Regional office / Branch Office at Laxmi Nagar, which falls within the jurisdiction of this Tribunal. It is specifically observed in the Judgment of *Malti Sardar Vs. National Insurance Co. Ltd & Ors.* 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, 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 by Respondent no. 3 and framing of issues on **19.12.2023**.

(Mayuri Singh)
PO MACT (East)/KKD
Delhi/27.10.2023