

Order Below Ex.14 In M.A.C. P. No. 62/2022

1. The Ld.Advocate for the opponent No.3 i.e. New India Assurance Co. Ltd. has preferred this application on the ground of territorial jurisdiction and requested the Tribunal to transfer the claim petition to the competent Tribunal having territorial jurisdiction.
2. As per the submission of the Ld. Advocate for the Insurance Company, the victim was residing at Rajasthan and the incident was taken place within the jurisdiction of Gandhinagar, and even the claimants have not produced any evidence to show that, at present they are residing within the jurisdiction of Kheda District, therefore, the claim petition is required to be transferred from the Motor Accident Claim Tribunal, Kheda at Nadiad.
3. On the other hand, Ld. Advocate for the claimants has vehemently opposed the said application by filing written arguments, as well as, citations of the Hon'ble Higher Forums. The Ld. Advocate for the claimants has submitted that, it is specifically mentioned in para-10 of the claim petition Ex.1, that the claimants are doing labour work in district Kheda; but as they are doing labour work, there is no any permanent address or evidence for the same; and even one of the

branches of the opponent No.3 i.e. New India Assurance Co. Ltd. is also situated at Nadiad; hence as per the provisions under Section-166 of the Motor Vehicles Act, the present claim petition can be filed in district Kheda. In support of his submissions, the Ld. Advocate for the Insurance Company has cited the following authorities:~

1. 2016 A.C.J. 542, *Malati Sardar v/s. National Insurance Co. Ltd.*
 2. 2009 A.C.J. 564, *Mantoo Sarkar v/s. Oriental Insurance Co. Ltd.*
 3. 2018 A.C.J. 1493, *Sukumar Jana v/s. New India Assurance Co. Ltd.*
 4. 2013 A.C.J. 237, *Ramprasad v/s. Ganesh Sahu.*
 5. 2013(1) T.A.C. 775 (*Kant.*), *Oriental Insurance Co. Ltd. v/s. Smt. Premakka.*
4. Read the application, heard the Ld. Advocates for the parties and gone through the oral, as well as, documentary evidence, written arguments and citations on record.
 5. As per the observations made by the Hon'ble Apex Court in 2016 A.C.J. 542, *in the case of Malati Sardar v/s. National Insurance Co. Ltd.*, the provisions under Motor Vehicles Act, are benevolent provisions for the victims of the accidents due to the negligent driving, therefore, the provisions for territorial jurisdiction has to be interpreted consistent with the object of facilitation remedies for the victims of the accidents.

Hyper technical approach in such matters can hardly be appreciated. There is no bar to a claim petition being filed at a place where the insurance company, which is main contesting party in such cases, has its business.

6. Thus, in view of the provisions of the Motor Vehicles Act and ratio laid down by the Hon'ble Higher Forums in various cases, the contention about territorial jurisdiction, by the Ld. Advocate for the Insurance Company, cannot be tenable, hence I pass the following order.

ORDER

1. The present application Ex.14 preferred by the opponent No.3 – New India Assurance Co. Ltd., is hereby dismissed

Pronounced in the open Court.

Date : 03-10-2022.

Nadiad.

(Atulkumar Ichchhashanker Raval)

Chairman –M.A.C.T.(Main),

Kheda at Nadiad.

GJ00342