

BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL
JETPUR, AT RAJKOT

Motor Accident Claim Petition No. 61 of 2022

Claimant

Minor Prince Balvirkumar Humbal,

Age- 10, Occ. Studying,

Through his Father and Natural Guardian

Balvirkumar Nathabhai Humbal, Age- 38, Occ. Farming,

Residing at :- Pithadiya, Jetpur.

Permanent address:- At- Ganod, Tal- Upleta, Dist- Rajkot.

Versus

Opponents

Bus No. GJ-03-BV-7453

1. Driver : Mukeshbhai Jigneshbhai Ora,

Address:- At- Maa-Krupa, Bhartinagar-1, Gandhigram, Rajkot.

2. Owner : Kuldipsinh Mahavirsinh Zala,

Address:- At- Chordi, Tal- Gondal, Dist- Rajkot.

:: ORDER BELOW EXH. 01 ::

(Under Order VII Rule 10 of the Code of Civil Procedure, 1908)

1. Background of the Petition

1.1 The present claim petition is filed under **Section 166 of the Motor Vehicles Act, 1988**, claiming compensation for the injuries sustained to

Minor Prince Balvirkumar Humbal, who allegedly got injured in a motor vehicular accident.

1.2 Upon perusal of the claim petition, documents produced on record, and the averments made therein, the issue of **territorial jurisdiction** of this Tribunal has arisen for consideration.

2. Facts Relevant for Jurisdiction

2.1 From the pleadings of the claim petition itself, the following undisputed facts emerge:

- The accident in question occurred on 18/10/2021 within the territorial limits of Manavadar Police Station.
- The **First Information Report (FIR)** regarding the said accident has also been lodged at **Manavadar Police Station**.
- The claimant is permanent resident of At- Ganod, Tal- Upleta, Dist- Rajkot.
- The Opponent No.1 who is the driver is residing at Maa-Krupa, Bhartinagar-1, Gandhigram, Rajkot and the opponent no.2 owner **of the offending vehicle**, is residing at- Chordi, Tal- Gondal, Dist- Rajkot.

2.2 No material is placed on record to show that any of the parties are residing within the territorial limits of **Jetpur, Rajkot District**, nor is it pleaded that the accident occurred within the jurisdiction of this Tribunal.

3. Statutory Position under the Motor Vehicles Act

3.1 Section 166(2) of the Motor Vehicles Act, 1988, specifically provides that a claim petition shall be filed before the Claims Tribunal having jurisdiction over:

- the area in which the accident occurred; or
- the area where the claimant resides or carries on business; or
- the area where the defendant resides.

3.2 Thus, the statute clearly restricts territorial jurisdiction to the above three contingencies and does not permit filing of a claim petition at a place having no nexus with either the accident or the parties.

4. Applicability of Order VII Rule 10 CPC

4.1 Order VII Rule 10 of the Code of Civil Procedure, 1908, mandates that where a plaint (or claim petition, by necessary implication) is filed before a Court or Tribunal lacking jurisdiction, the same shall be returned for presentation before the proper Court or Tribunal.

4.2 It is well settled that the question of jurisdiction can be decided on the basis of the averments made in the claim petition itself, without embarking upon a detailed trial.

4.3 In the present case, even if all averments made by the claimants are accepted as true, this Tribunal at Rajkot does not acquire territorial jurisdiction under Section 166(2) of the Motor Vehicles Act.

5. Findings of the Tribunal

5.1 This Tribunal finds that:

- The **place of accident**,
- The **residence of the claimant**, and
- The **residence of the owner of the offending vehicle**

are all situated within **limits of Gondal and Junagadh**.

5.2 None of the statutory jurisdictional requirements under Section 166(2) of the Motor Vehicles Act are satisfied so far as the **Motor Accident Claims Tribunal at Jetpur, Rajkot** is concerned.

5.3 Therefore, this Tribunal lacks territorial jurisdiction to entertain, try, or decide the present claim petition.

6. Conclusion

6.1 In view of the aforesaid discussion, statutory provisions, and settled legal position, the present claim petition is not maintainable before this Tribunal due to lack of territorial jurisdiction.

6.2 The appropriate course of action, as contemplated under **Order VII Rule 10 CPC**, is to return the claim petition for presentation before the competent Motor Accident Claims Tribunal having jurisdiction.

// ORDER //

1. The claim petition is hereby **returned to the claimant under Order VII Rule 10 of the Code of Civil Procedure, 1908**, for presentation before the **appropriate Motor Accident Claims Tribunal having territorial jurisdiction**, in accordance with law.

2. The office is directed to return the claim petition along with all original documents to the learned advocate for the claimant after making necessary endorsement as required under law.

Pronounced in open Court on this 04th day of July, 2026.

DATE: 04/07/2026
PLACE: JETPUR

[Rajesh Sureshchandra Purani]
M.A.C.T. (AUXI.), JETPUR
AT DISTRICT- RAJKOT
JUDGE CODE :- GJ00727