

**IN THE COURT OF THE I ADDL. SENIOR CIVIL JUDGE
AND JMFC., AT CHAMARAJANAGARA**

Dated this the 18th day of March, 2026

Present: Sri. Sunil. R, B.Com, LL.B.,
I ADDL. SENIOR CIVIL JUDGE & JMFC.,
CHAMARAJANAGARA.

M.V.C.No:398/2024

Petitioner: Smt. Chikkathayamma

V/s

Respondents: Sri. Sunilkumar and Another

Parties on IA No.I

Applicant: Iffco Tokio General Insurance
Co., Ltd.,
... Respondent No.2

V/s

Opponent: Smt. Chikkathayamma
... Petitioner

1.	Provision under which the application is filed	VII rule 11 of CPC r/w Sec.166(2) of MV Act
2.	Relief sought for	Reject the petition for want of territorial jurisdiction

3.	The date on which the application is filed	07.01.2026
4.	Number of application	One
5.	The date on which the objection is filed by opponent	07.01.2026
6.	The date on which the order was passed on the said application	18.03.2026

ORDER

The applicant has filed IA No.I under order VII rule 11 of CPC r/w Sec.166 (2) of IMV Act for reject the petition on want of territorial jurisdiction.

2. In the accompanying affidavit, the applicant has stated that the present petition is filed by the petitioner against the respondents under Sec.166 of IMV Act for seeking compensation for the death of petitioner's son . The present petition is posted for respondents' evidence. Now, he came to know that this court does not have territorial jurisdiction to entertain this petition, as the place of accident occurred at Kommerahalli Village, Keregodu – Mandya road, Mandya District. The petitioner is also resident of Srirangapattana Taluk, Mandya District. The

respondent No.1 also resident of Mandya District and its office is situated in Mysore and it does not have any branch office at Chamarajanagar. Therefore, the continuation of present petition before this court would amount to an abuse of the process of law. If this IA is not allowed, he will be put to irreparable loss and injustice. On the other hand, if this IA is allowed, no injury or hardship will be caused to the petitioner. Hence, on these grounds, he prays to allow the IA No.I.

3. On the other hand, the petitioner has filed objection to IA No.I stating that the IA No.I is not maintainable either in law or on facts and liable to be rejected. The reasons mentioned in the accompanying affidavit of IA No.I are all false. The office of the applicant is situated within the jurisdiction of this Tribunal. As such, this Tribunal is having jurisdiction to entertain the present petition. On these grounds, she prays to reject the IA No.I.

4. The learned counsel for the applicant and opponent advanced their arguments. Perused the materials available on record.

5. After hearing the arguments from the learned counsel for the applicant and opponent, the following points

that arise for consideration is as follows:

P O I N T S

1. Whether the applicant/respondent No.2 has made out sufficient and reasonable grounds to reject the petition on the ground of lack of territorial jurisdiction?
2. What order?

6. After verifying the records and documents, my findings on the above Points are as under:

Point No.1 : **In the Negative**

Point No.2 : **As per the final Order,
for the following :**

: R E A S O N S :

7. Point No.1: On perusal of petition, it is noticed that the opponent/petitioner has filed the present petition against the respondents under Sec.166 of IMV Act for seeking the compensation for the death of her son in Road Traffic Accident. In the petition, the opponent/petitioner has mentioned that she is a resident of Neralakere Village, Srirangapattana Taluk, Mandya District. The respondent No.1 is also residing at Chikmandya Village, Gopalapura Post, Kasaba Hobli, Mandya Taluk and District. In the

petition, the opponent/petitioner has mentioned that the collection office of applicant/respondent No.2 is situated at B. Rachaiah double road, Chamarajanagar. Further more, after service of notice to the said address, the applicant/respondent No.2 is appeared before this Tribunal through their counsel and filed its objection statement. At the time of filing the objection statement, the applicant/respondent No.2 did not dispute the territorial jurisdiction of this Tribunal. But, when the matter was listed for Arguments, the applicant/respondent No.2 raised the question of territorial jurisdiction of this Tribunal by filing the present interlocutory application.

8. The learned counsel for the opponent/petitioner furnished the judgment of the **Hon'ble Supreme Court of India in Civil Appeal No.7318 of 2007 between Mantoo Sarkar Vs. Oriental Insurance Co., Ltd., and Others.** Wherein the Hon'bel Apex Court has held that '*a claim petition can be filed at the option of the claimant before the Tribunal having jurisdiction either over the area where the accident occurred or where the claimant resides or where the insurance company carries on business*'. Here in this petition, the opponent/petitioner has mentioned that

the collection office of applicant/respondent No.2 is situated at B. Rachaiah double road, Chamarajanagar. Therefore, applying the principle laid down in the aforesaid judgment, it is clear that the applicant/respondent No.2 is carrying on its business within the territorial jurisdiction of this Tribunal. Therefore, this Tribunal is having territorial jurisdiction to entertain and adjudicate the present petition and hence, the objection raised by the applicant/respondent No.2 is liable to be rejected. Hence, this Tribunal is of the opinion that the applicant/respondent No.2 has not made out sufficient and reasonable grounds to allow the IA No.I. Accordingly, this Tribunal answer the **Point No.1 in the Negative.**

9. Point No.2: As per discussion made on Point No.1, this Tribunal proceed to pass the following:

ORDER

IA No.I filed by the applicant/respondent
No.2 under order VII rule 11 of CPC r/w
Sec.166(2) of IMV Act is hereby rejected.

[Dictated to the Stenographer directly on the Computer, typed by her and corrected by me and then pronounced in the open Court on this 18th day of March, 2026]

**[Sunil .R]
I Addl. Sr. Civil Judge & JMFC.,
Chamarajanagar.**