

KAHV510066842024



**IN THE COURT OF 1st ADDL. SENIOR CIVIL JUDGE
AND JMFC, RANEBENNUR.**

**Present : Sri. MANJUNATHA M.S., *B.A, LL.B,*
1st Addl. Senior Civil Judge & JMFC,
Ranebennur.**

Dated this 30th day of January, 2026

M.V.C. No. 1524 / 2024

PETITIONER :

Nagaraj R
S/o: Ramakrishna Anandapuram
Shivamogga, Age: 34 yrs,
Occ: Agriculture and Coolie,
R/o: Market road, Anandapuram
Shivamogga, Tq & Dist: Shivamogga.

Now at: Hanumapur, Tq: Ranebennur, Dist:
Haveri.

(By Sri. M.S.A, Advocate)

V/s

RESPONDENTS:

1. Sri. Dinesh N.S
S/o: K. Nagaraj, R/o: 1st Cross, Jyothi Nagara,
N.R. Pura road Vidyanagara, Shivamogga,
Tq & Dist: Shivamogga.

(Owner of the vehicle No.KA.14/C-3808).

2. The Division Manager
United India Insurance Co. Ltd., Opp:
HDMC Hubli.

Policy No : 2404003124P102130817.

Valid from : 13-05-2024 to 12-05-2025.

**(R.1 placed exparte.
R.2 by Sri. S.C.H, Advocate).**

PARTIES TO I.A.NO.II

Applicant : 1. The Division Manager
(Ori. Rsptd-2) United India Insurance Co. Ltd.,
Opp: HDMC Hubli.

V/s

Opponent : Sri. Nagaraj R
(Ori.Ptr) S/o: Ramakrishna Anandapuram.

ORDER ON IA NO.II

The respondent No.2 has filed I.A No.II U/Section 166(2) of MV Act R/W Order 7 Rule 10(1) of CPC praying to reject / return the claim petition as this court has no territorial jurisdiction to try the case.

2. The application is supported by memorandum of facts wherein it is contended that, the petitioner is the resident of Anandapura of Shivamogga Taluk and District and the respondent No.1/insured is also the resident of Shivamogga and the accident took place near Saminakoppa fly over in Shivamogga, the police have filed criminal case in Shivamogga West Traffic Circle Police Station Cr.No.110/2024 U/Secs.281 and 125(a) of BNS against the driver of the offending vehicle. Hence, the cause of action to file claim petition arose within the jurisdiction of tribunals of Shivamogga District. Therefore, the tribunal of Shivamogga

district alone having territorial jurisdiction to determine the claim of the petitioner. But the petitioner has filed this claim petition U/Sec.166 of MV Act to get the compensation for the injuries sustained by him in the Motor Vehicle Accident by showing his address as now he is residing at Hanumapur village in Ranebennur Taluk, Haveri district without any documentary proof, such as Adhar Card, PAN Card, ration Card and Election voter identity card is not maintainable and this tribunal having no territorial jurisdiction to try the claim of the petitioner. He further contended that, as per Sec.166(2) of MV Act, claim application shall be made where the accident took place or where the petitioner resides or where the insured resides or carries on business. In view of this sub section the petitioner is debarred to file the claim petition before this claims tribunal. Hence, prays to return/ reject the claim petition filed by the petitioner and direct the petitioner to present it to the proper court having the jurisdiction to try the claim of the petitioner. Hence, prays to allow the application.

3. The learned counsel for the petitioner has filed objection to the said application contending that, the present application is opposed to law and the same is not maintainable under law. While filing the application, the respondent / applicant along with the application, they have to file their affidavit, but their advocate has filed memo of facts. The same is not maintainable under law. The averments made in the application are all false. He further stated that, due to the

grievous injuries and fractures sustained by him in the accident and he was unable to earn and was not able to bear the medical expenses, he was residing in the relative house within the jurisdiction of this court and he has filed the petition before the Hon'ble District court, Haveri, the said Hon'ble court transmitted the said case to this jurisdiction since he was residing within the jurisdiction of this court. Hence, this court has to entertain the said matter. At this stage, the application filed by the respondent is not maintainable. Further contended that in the objection statement the respondents have not raised about the jurisdiction. But they have filed this application only to give harassment. Further submits that, the said application is opposed to law since, the learned counsel for the respondent No.2 has filed only memo of facts. The claim petition has to be tried summarily. Hence, application is not maintainable and prays to dismiss the application with cost.

4. I have heard both side and perused the materials placed on record.

5. The points that would arise for consideration are:

POINTS

1. *Whether IA No.II filed by the respondent No.2 deserves to be allowed ?*

2. *What order?*

6. My findings on the above points are as under:

Point No.1: Answered accordingly.

Point No.2: As per final order for the following :

REASONS

7. **Point No.1:** The petitioner has filed the claim petition U/Sec.166 of M.V Act claiming compensation for the injuries sustained in the road traffic accident, which was occurred on 28-07-2024 at about 08-16 p.m., near Vinoba Nagara, near Sominakoppa Fly over, Shivamogga within the jurisdiction of Shivamogga West Traffic Police Station, due to rash and negligent driving of driver of the Bolero Goods bearing Reg.No.KA.14/C-3808.

8. In pursuance of the notice, the respondent No.1 not chosen to appear. Hence, he placed ex parte. The respondent No.2 appeared before this court through their counsel and filed objections to the main petition wherein they have contended that this tribunal has no territorial jurisdiction to try this petition and also filed present application contending that, the petitioner is the resident of Anandapura of Shivamogga Taluk and District and the respondent No.1/insured is also the resident of Shivamogga and the accident took place near Saminakoppa fly over in Shivamogga, the police have filed criminal case in Shivamogga West Traffic Circle Police Station Cr.No.110/2024 U/Secs.281 and 125(a) of BNS against the driver of the offending vehicle. Hence, the cause of action to file claim petition arose within the jurisdiction of tribunals of Shivamogga District. Therefore, the tribunal of Shivamogga

district alone having territorial jurisdiction to determine the claim of the petitioner. But the petitioner has filed this claim petition U/Sec.166 of MV Act to get the compensation for the injuries sustained by him in the Motor Vehicle Accident by showing his address as now he is residing at Hanumapur village in Ranebennur Taluk, Haveri district without any documentary proof, such as Adhar Card, PAN Card, ration Card and Election voter identity card is not maintainable and this tribunal having no territorial jurisdiction to try the claim of the petitioner.

9. On perusal of the FIR it appears that, the accident was occurred within the jurisdiction of Shivamogga West Traffic Police Station, Shivamogga District. The cause title of the petition discloses that, the petitioner is the permanent resident of Anandapuram of Shivamogga Taluk and District and it is also further stated that, presently he is residing at Hanumapur village of Ranebennur Taluk, Haveri District. The address of the respondent No.1 is shown as 1st Cross, Jyothi Nagara, N.R.Pura road Vidyanagara, Shivamogga, Tq & Dist: Shivamogga and the address of respondent No.2 is shown as Division Manager, United India Insurance Co. Ltd., Opp: HDMC Hubli.

10. Section 166 of M.V Act deals with application for compensation. Sub Section (2) of Section 166 deals with jurisdiction. As per the provisions of sub-section (2) of Section 166, every application under sub-section (1) shall be

made, at the option of the claimant, either to the Claims Tribunal having jurisdiction over the area in which the accident occurred or to the Claims Tribunal within the local limits of whose jurisdiction the claimant resides or carries on business or within the local limits of whose jurisdiction the defendant resides, and shall be in such form and contain such particulars as may be prescribed.

11. In the judgment in **M.F.A Nos.101861/2016(MV) C/w 101862/2016** in the case of **Sri. Mukund Vs. The Divisional Controller, MSRTC**, the Hon'ble High Court of Karnataka has held in para No.13 that;

.....The word used in Section 166 (2) of the M.V Act is not where 'claimant permanently resides', but, the word is 'claimant resides'. Therefore, the said place need not be a permanent residential place of the claimant.

12. In the said judgment **Hon'ble High Court** has by relying on a decision of **Hon'ble Supreme Court of India** in **Mantoo Sarkar Vs. Oriental Insurance Co.Ltd., and others** reported in **2009 ACJ 564** held in para No.14 that;

14. Therefore, on the question of jurisdiction, Hon'ble Supreme Court has held that where the Tribunal or Court has got jurisdiction over the subject matter though it has no territorial or pecuniary jurisdiction, the judgment could not be a nullity. Therefore, in the case on hand, it is not a case where the Tribunal had no jurisdiction in relation to the subject matter of the same. Therefore, if the Tribunal had jurisdiction to entertain a claim petition under the M.V Act, as observed by the

Hon'ble Supreme Court in the absence of any finding of sufferance of any prejudice on the part of the respondent, the claim petition would have been disposed of on merits.

13. No doubt, as per the law laid down by the Hon'ble High Court in the aforesaid judgment, the claimant can file a claim petition within the jurisdiction of the tribunal where he resides temporarily. In the present case, the petitioner has filed a claim petition U/Sec. 166 of MV Act, to get compensation for the injuries sustained in the Motor Vehicle accident by showing his address as now he is residing Hanumapur village of Ranebennur Taluk, Haveri District without any documentary proof such as Adhar card, PAN card, Election Voter ID Card or any rent agreement. However the territorial jurisdiction is a matter of trial and an opportunity has to be given to the petitioner to establish that, he is/ was temporarily resides within the jurisdiction of this tribunal. The issue regarding territorial jurisdiction is always triable issue. Accordingly necessary issues will be framed regarding the jurisdiction and issue of jurisdiction is kept open and same will be taken up along with main matter. Hence, **point No.1 answered accordingly.**

14. **Point No.2:** In view of my findings on the above point No.1, I proceed to pass the following;

ORDER

**I.A No.II filed by the respondent No.2
U/Sec. 166(2) of MV Act R/W Order VII
Rule 10(1) of CPC is disposed off by kept**

**open the issue of jurisdiction and same will
be taken up along with main matter.**

(Directly dictated to the stenographer through computer, typed by her, corrected by me and then pronounced in the open court on this 30th day of January, 2026).

**(Sri. Manjunatha M.S.)
1st Addl. Senior Civil Judge & JMFC.,
Ranebennur.**