

KAKB410001562024



**THE COURT OF THE SENIOR CIVIL JUDGE &
JMFC AT CHINCHOLI AND MACT**

JUDGE: SMT. JYOTI SHANTHAPPA KALE
LL.M.
Senior Civil Judge and JMFC Chincholi.

Dated: This the 21th day of March - 2025

MVC No.454/2024

Petitioner /s	:	Parashuram Rathod S/o Chandra Rathod Sab, Age: 28 years, Occ: Nil, R/o Sri Nagar Pedda Tandur village, Chincholi Taluk, Kalaburagi District and others. (Represented by Advocate : Sri. KDP,)
-: VERSUS :-		
Respondent /s	:	1. Mohammad althaf S/o Sardar miya, Age R/oZahirabad and others. (respondent No.1 - Exparte) (Respondent No.2 – Sri. VVC)
Nature of the petition		Death claim petition.

-:: ORDER ON PRELIMINARY ISSUE ::-

1. The petitioner have filed claim petition U/sec. 166 of The MV Act seeking compensation for the death of Smt. Jyothi bai W/o Parashuram in accident dated 17-03-2024.

2. It is the case of petitioners that that on 17-03-2024 at about 04:00PM Near Lingampalli village, the deceased Smt. Jyothi bai W/o Parasuram met with an accident, suffered injuries and died due to rash and negligent driving by the rider of Royal Enfield bike bearing No. TS15 FH7942.

3. The respondent have contended that the accident took place at Sangareddy District Telangana State and the petitioners are permanent resident of Telangana State, the respondent No.1 is from Telangana State and he has taken policy from Telangana State but to avoid the court fee and to get higher compensation the petitioners have filed this petition before this court and therefore this court have no jurisdiction to try the present petition.

4. On the basis of pleadings of the both parties this court has framed the following:

I S S U E S

1. Whether the petitioners prove that on 17-03-2024 at about 04:00 PM Near Lingampalli village, deceased Smt. Jyothi bai W/o Parasuram met with an accident, suffered injuries and died due to rash and negligent driving by the rider of Royal Enfield bike bearing No. TS15 FH7942 ?
2. Whether the respondent No.2 company proves that this court has no jurisdiction to try the petition?
3. Whether the petitioners are entitled for the compensation? If so what is the quantum and liability?
4. What order or award?
5. **Note:** Issue No.2 is treated as preliminary Issue.
6. As Issue No.2 is treated as the preliminary Issue, the said issue is taken up for discussion.

a. No oral and documentary evidence is adduced by both the parties on preliminary Issue.

7. Heard both learned counsel for the petitioners and counsel for the respondent on preliminary issue. Perused the materials.

8. Upon perusal of the entire pleadings and appreciating the oral and documentary evidence on record my findings on preliminary issue is as under:

Issue No.2 : In the Negative.

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

-:: REASONS ::-

9. **Point No.1:-** The The petitioner have filed claim petition U/sec. 166 of The MV Act seeking compensation for the death of Smt. Jyothi bai W/o Parashuram in accident dated 17-03-2024.

10. The petitioners have pleaded that they have the resident of H.No.3/70 Sri. Nagar Pedda Tanda Post. Venkatapura Tq.

Chincholi. Perusal of the records shows that on 17-03-2024 at about 04:00 PM Near Lingampalli village, deceased Smt. Jyothi bai W/o Parasuram met with an accident, suffered injuries and died in the accident. The place of accident is Mumbai Hyderabad N.H65, Lingampalli village limits municipal Mandal Sangareddy District Telangana State. The respondent No.1 being the owner of offending vehicle is resident of Ploat No.5-3-143 Shanti Nagar Zahirabad Sangareddy District.

11. Perusal of the record shows that respondent No.1 is resident of Telangana State and accident occurred within the limits of Telangana State. The petitioners have filed the copy of Adhar card it shows that they are the resident of Venkatapur village Chincholi, Kalaburagi District and therefore as the claimants are resident of Venkatapur village Chincholi, Kalaburagi District, this court has territorial jurisdiction to try the petition. Accordingly Issue No.2 is answered in Negative.

12. **Point No.2**:- In view of findings on Issue No.2 for the foregoing reasons, I proceed to pass the following:

-:: O R D E R ::-

The objections raised by respondent No.2 about the jurisdiction of this court is not sustainable and it is hereby declared that this court has jurisdiction to try the suit.

Posted for petitioner evidence.

(Dictated to Typist, typed by her corrected by me, signed and pronounced by me in the open court on **21th day of March 2025.**)

**(Smt. Jyoti Shantappa Kale)
Senior Civil Judge & JMFC.,
Chincholi.**