

MACT No. 609/22
RAJU PAL Vs. MOHD SHOHEB & ANR.

AND

MACT No. 610/2022
SHIV KARAN V. MOHD. SHOHEB & ANR.

08.04.2026.

Present: Mr. Ajeet Kumar, Ld. Counsel for the Petitioner Raju Pal and
Petitioner Shiv Karan.
Mr. M. Raees Farooqui, Ld. Counsel for respondent No. 1
(through video conferencing).
Mr. Vinay Kumar, Ld. Counsel for respondent No. 2 (through
video conferencing).
Mr. Balbir Singh, Senior Clerk/ Pairokar of respondent No. 2 is
present.

Vakalatnama filed on behalf of the respondent No. 2 in MACT
No. 610/2022, titled Shiv Karan v. Mohd. Shoheb & Anr.

Ld. Counsel for respondent No. 1 submits that he had also
raised the objection in respect of territorial jurisdiction.

Heard. Record perused.

A copy of order dated 16.02.2026, passed by Hon'ble High
Court of Delhi, in MAC APP No. 137/36, titled as UPSRTC v. Shiv Karan
& Anr. And in MAC APP No. 138/26, titled as UPSRTC v. Raju Pal & Anr.,
has been received through proper channels, as per which the matter has
been remanded back for reconsideration on issue No. 1 with directions to
return a finding on territorial jurisdiction taking into account the pleas of
the respective parties on the basis of the documents available on record.

Arguments as advanced on the last date of hearing have been
duly considered.

Ld. Counsel for Petitioners had submitted that the territorial jurisdiction had been invoked on the basis of the ISBT, Kashmere Gate address of the Respondent No. 2, on which address the respondent No. 2 had been duly served and they entered appearance.

Ld. Counsel for the Respondent No. 2, on the other hand, had submitted that the official address of the Respondent no. 2 is of Ghaziabad, UP; the accident took place in Sultanpur, UP; FIR was lodged at PS Kotwali, Sultanpur, UP and the permanent residence of the Petitioners is of Ayodhya/ Faizabad, UP. He further submitted that even in the memo of parties filed along with the petition, the Petitioner resided at Uttam Nagar, Delhi which does not fall within the territorial jurisdiction of Central District, Delhi.

Ld. Counsel for Respondent No. 2 further submitted that the address of Respondent No. 2 was disclosed in the preliminary objection no. 3 of the written statement filed by the Respondent No. 2, while the exact address was disclosed in the affidavit attached with the written statement. He further submitted that even in the evidence of R2W1, it was testified to that the Respondent No. 2 had its official address of Ghaziabad, UP. Ld Counsel for the Respondent no.2 further submitted that appearance was entered on behalf of Respondent No. 2 on 20.11.2024 by the Pairokar of the respondent No. 2, namely, Mr. Ram Pratap Mani Tripathi as various matters of UPSRTC are listed before the MACT and he may have seen the case listed and entered appearance.

He further submitted that as there was no territorial jurisdiction, the issue be decided in favour of the Respondent No. 2.

It is duly noted that in view of the order dated 16.02.2026, passed by Hon'ble High Court of Delhi, in MAC APP No. 137/36, titled as

UPSRTC v. Shiv Karan & Anr. And in MAC APP No. 138/26, titled as UPSRTC v. Raju Pal & Anr., the matter has been remanded back for reconsideration on issue No. 1 with directions to return a finding on territorial jurisdiction taking into account the pleas of the respective parties on the basis of the documents available on record. That being so, only the documents available on record are to be considered.

For the sake of convenience, the issue no.1 is reproduced as under:

“Whether the petition lacks territorial jurisdiction? OPP”

It is matter of record, that as per the FIR, the accident took place in Sultanpur District, PS Kotwali Nagar, U.P and the FIR was also registered at PS Kotwali Nagar, U.P. Hence, there is no territorial jurisdiction of MACT in Delhi on the basis of the place of accident.

As per the evidence affidavit of the Petitioner Shiv Karan *i.e.* Ex PW1/A, he is permanent resident of Uttar Pradesh, and his aadhaar card reflects him to be a resident of Uttam Nagar, whereas as per the aadhaar card of the Petitioner Raju Pal, he is a resident of Faizabad, UP. No document has been placed on record by the Petitioner Raju Pal as to their residence in Uttam Nagar. Be that as it may, it is also noted that the area of Uttam Nagar does not fall within the territorial jurisdiction of Central District, and thus, there is no evidence on record to conclude the existence of territorial jurisdiction of MACT in Central Delhi on the basis of the place of residence of the Petitioners.

It is also noted that the address of the Respondent No.1 is also not of Central Delhi as his address is reflected to be Sultanpur U.P. in the chargesheet as well as the memo of parties. Thus, there is no evidence on record to conclude the existence of territorial jurisdiction of MACT in

Central Delhi on the basis of the place of residence of the Respondent No.1.

Ld. Counsel for Petitioners has argued that the territorial jurisdiction had been invoked on the basis of the ISBT, Kashmere Gate address of the Respondent No. 2, on which address the Respondent No. 2 had been duly served and they entered appearance. However, he failed to point out even a single document reflecting service upon the Respondent No. 2 at the Kashmere Gate address.

It is to be borne in mind that no positive evidence has been led by the Petitioners to prove the existence of any office of the Respondent No. 2 at Kashmere Gate, whereas, the Respondent No. 2 has categorically stated in the evidence affidavit of R2W1 Sh Amit Kumar Srivastava as to the Respondent No. 2 having its official address at Ghaziabad UP, which testimony has gone unrebutted as the Petitioner did not cross-examine R2W1 in respect of the same.

The Petitioner has failed to lead any evidence to prove that the Respondent No. 2 was carrying on business at the Kashmere Gate address.

That being so, on the basis of evidence as led, it is held that sufficient evidence has not been brought on record by the Petitioners as to the existence of territorial jurisdiction of the Tribunal at Central Delhi, as despite specific objection having been taken by the Respondent No. 2 in the Written statement, they did not even examine any witness from the Kashmere Gate address to prove the same to be a place of business of the Respondent No. 2, nor the Petitioners controverted even the oral testimony of R2W1 as to the official address of the Respondent No. 2 being of Ghaziabad U.P.

Issue no.1 is decided accordingly.

Files be consigned to the Record Room after necessary compliance.

(POOJA AGGARWAL)
PO, MACT-02, Central District
Tis Hazari Courts, Delhi
08.04.2026(R)