

IN THE COURT OF THE SENIOR CIVIL JUDGE AND
AMACT, KARKALA

Present: Smt.Sharmila C.S., B.A.L., LL.M.,
Senior Civil Judge and AMACT, Karkala.

Dated: This the 4th day of October, 2025.

M.V.C. NO.1006/2023

Shruthi ,
Aged about 15 years,
Minor rep. by mother and natural guardian
Smt. Jyothi,
Aged about 48 years,
W/o. Rama Naik,
R/at. Nachar Tadagalu,
Nanchar Post, Nachar,
Udupi Rq & Dist 576 234. .. Petitioner

Versus -

1. Mr. Devanna,
Aged about 42 years,
S/o. Kulla Naik,
R/at. Seetha Nilaya,
Arbi, Maddoor Post,
Nalkur Village, Brahmavara Tq.,
Udupi Dist – 576 234.
2. Royal Sundaram Alliance Ins.Co.Ltd.,
Subramanya Building No.1,
Club House Road,
Annasalai Chennai-600 002. ..Respondents

ORDER ON PRELIMINARY ISSUE

Counsel for the respondent No.1 has filed the present memo seeking to decide the issue regarding the territorial jurisdiction preliminarily.

2. Further on 01-08-2025, the counsel for the respondent No.1 filed notes of arguments with respect to the said memo and submits that this court has no territorial jurisdiction and prays to reject the petition.

3. Thus when the question of jurisdiction arises, this court has to take up the matter and decide the issue preliminarily. Accordingly Issue No.2 is taken up for decision. Issue No.2 , reads as under

”Whether the respondent No.2 proves that this court no territorial jurisdiction to try the petition?”

4. Heard from the counsel for petitioner and respondents and perused materials on record.

5. My answer to Issue No.2 is in 'negative', for the following -

REASONS

6. This is a petition seeking compensation for the injuries sustained by the petitioner during the road traffic accident. The petitioner is residing at Nanchar of Brahmavara Taluk, which was earlier in Udupi Taluk. That the respondent No.1 is residing at Nalkoor and the respondent No.2 insurance company is at Chennai. That either of the places are not coming within the jurisdiction and thus has sought for rejection of the petition.

7. It is pertinent to note that the petition was filed at District Court, Udupi, the place of accident is at jurisdiction of Hebri Police, which was near VSS English Medium School, Nalkuru, Brahmavara Taluk. However the Hon'ble Principal District and Sessions Judge, Udupi have made over the case to this court vide order dated 07-11-2023. Such being the case, the respondent No.1 though appeared through the counsel on 25-11-2023 did not take up any such contention immediately.

8. When such is the case, evidence of the petitioner and the respondent has already completed, when the Hon'ble District and Sessions Court, Udupi itself has transferred the case for disposal to this court, the question of jurisdiction which is within the purview of Udupi District, does not arise at all. Therefore holding that this court has territorial jurisdiction to try the petition, the Issue No.2 is answered in negative.

9. In view of the above reasoning, I proceed to pass the following :

ORDER

Issue No.2 is answered in negative.

(Dictated to the Stenographer, transcribed by her, corrected and then pronounced by me in Open Court on this the 4th day of October, 2025.)

(SHARMILA C.S.)
Senior Civil Judge & AMACT, Karkala.