



2026:CGHC:14255

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 474 of 2020**

1 - Rajiya Khatun, W/o. Late Abdul Salam, Aged About 22 Years, R/o. Village And Post Bandu Chutaru, Police Station - Ranka, District - Garhwa, Jharkhand, Mobile No. 9111909842.

2 - Sona Bibi, W/o. Taiyab Ansari, Aged About 50 Years, R/o. Village And Post Bandu Chutaru, Police Station - Ranka, District - Garhwa, Jharkhand.

3 - Taiyab Ansari, S/o. Abdul Sakur, Aged About 50 Years, R/o. Village And Post Bandu Chutaru, Police Station - Ranka, District - Garhwa, Jharkhand.

... Petitioners**versus**

1 - Kutubuddin Ansari, S/o. Sarfuddin Ansari, Aged About 32 Years, Occupation - Driver, R/o. Village And Post Nawadih, Police Station Chainpur, District Palamu, Jharkhand, Present Address- Village Datwaniya (Jhonthar) Dandila) Post Jarahi, Police Station And District Garhwa, Jharkhand.



2 - Jahid Khan, S/o. Naimul Huq Khan, Occupation - Owner, R/o. House No. 800/K, Premnagar Kusmunda, District Korba, Chhattisgarh.

3 - The Branch Manager, Bajaj Allianz General Insurance Company Limited, Branch Office 2nd Floor, Shivmohan Bhawan, Vidhansabha Road Pandari, Raipur, Chhattisgarh. (Insurer)

... Respondents

For Appellants	: Ms. Akanchha Vishwakarma, Advocate, on behalf of Mr. A.N.Pandey, Advocate
For Respondent No.3.	: Mr. Sangeet Kumar Kushwaha, Advocate

(Single Bench)

Hon'ble Shri Justice Sanjay K. Agrawal

Judgment on Board

25.03.2026

1. The appellant has preferred this appeal under Section 173 of the Motor Vehicles Act, 1988 calling in question the legality, validity and correctness of the impugned order dated 28.11.2019 passed by the learned Additional Motor Accident Claims Tribunal, Katghora, Korba M.A.C. Case No. 11/2018, by which the claim application filed by the claimants under Section 166 of the Motor Vehicles Act has been dismissed on the ground that the Court has no jurisdiction.
2. Learned counsel for the appellants/claimants would submit that the accident occurred on 10.09.2015 at Janjgir-Champa and Abdul



Salam died, therefore, the claimants have filed an application for compensation before the Claims Tribunal Katghora, District Korba, which has been rejected by recording a perverse finding that by virtue of Section 166(2) of the Motor Vehicles Act, the Court has no jurisdiction, but as per Annexure A-2 driver Jahid Khan resides at Kusmunda, District Korba.

3. Learned counsel appearing for the respondent No.3 would support the impugned order and submit the the appeal is liable to be dismissed.
4. Heard learned counsel appearing for the parties and gone through the records meticulously.
5. In order to consider the plea raised at the bar, it would be appropriate to consider Section 166 of the Motor Vehicles Act.

“166. Application for compensation.—(1) An application for compensation arising out of an accident of the nature specified in sub-section (1) of section 165 may be made—

(a) by the person who has sustained the injury; or

(b) by the owner of the property; or

(c) where death has resulted from the accident, by all or any of the legal representatives of the deceased; or

(d) by any agent duly authorised by the person injured or all or any of the legal representatives of the deceased, as the case may be:



Provided that where all the legal representatives of the deceased have not joined in any such application for compensation, the application shall be made on behalf of or for the benefit of all the legal representatives of the deceased and the legal representatives who have not so joined, shall be impleaded as respondents to the application.

[Provided further that where a person accepts compensation under Section 164 in accordance with the procedure provided under Section 149, his claims petition before the Claims Tribunal shall lapse.]

[(2) 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:

[(3) No application for compensation shall be entertained unless it is made within six months of the occurrence of the accident.]

[(4) The Claims Tribunal shall treat any report of accidents forwarded to it under section 159 as an application for compensation under this Act.]

[(5) Notwithstanding anything in this Act or any other law for the time being in force, the right of a person to claim compensation for injury in an accident shall, upon the death of the person injured, survive to his legal representatives, irrespective of whether the cause of death is relatable to or had any nexus with the injury or not.]”

6. A careful perusal of Section 166 of the Motor Vehicles Act would show that the claim application can be filed 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.

7. In the instant case, as per Annexure A-2, owner of the vehicle Jahid Khan resides at Kusmunda, District Korba, therefore, the Motor Accident Claims Tribunal Korba would have jurisdiction to decide the claim application. Accordingly, the impugned order dated 28.11.2019 is set aside and the matter is remitted to the Motor Accident Claims Tribunal Korba for deciding the claim application strictly in accordance with law. Since the accident had occurred on 10.09.2015 and more than 11 years have already passed, the Claims Tribunal is directed to decide the claim application within a period of four months from the date of receipt of a copy of this order.
8. The parties are directed to appear before the Claims Tribunal Korba on 13th April, 2026. No notice would be required to the claimant and insurance company. Record be sent forthwith to the Claims Tribunal Korba.
9. In the result, the appeal is allowed to the extent as indicated herein above.

Sd/-
(Sanjay K. Agrawal)
Judge

Ashok