

GAHC040010792022



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : MACApp. 6/2022

1:Chabita Manki
W/o Sri Dilip Manki,
R/o Dakhin Rupohi, PO/PS Boginogi, Dist. Lakhimpur, Assam.

VERSUS

1:Nitul Gogoi and 2 Ors.
So Tulan Gogoi,
R/o Ahom Gohai Goan, PS N. Lakhimpur, Dist. Lakhimpur, Assam.. Owner of AS 07
G 2894

2:Nirdus Munda
S/o Singh Munda

R/o Mula Basti
Harmoti Merbil
PS Laluk
Dist. Lakhimpur
Assam.. Driver of AS 07 G 2894

3:The New India Assurance Com. Ltd.
Near UCO Bank
Banderdewa
Dist. Papumpare
A

Advocate for the Petitioner : B Das

Advocate for the Respondent :

Linked Case : MACApp. 7/2022

1:Lalita Sonar
D/o Lt. Padma Bhadur Sonar

R/o 16th Mile
PO/PS Jairampur
Dist. Changlang
Arunachal Pradesh.

VERSUS

1:Pankaj Lama @ Shayla and 2 Ors.
S/o Mangal Bh. Lama

16th Mile
PO/PS Jairampur
Dist. Changlang
Arunachal Pradesh.. driver of AS 01 DD 8152

2:Sanjay Parik
S/o Lt. L. Parik

C/o N.K Gupta
BishnujyotiPath Guahato. Kamrup (M) Assam.
Ph. 09436412705... Owner of AS 01 DD 8152

3:United India Insurance Com. Ltd
Naharlagun
Opp Near Maruti Arena
Model Village
Dist. Papumpare
A.P

Advocate for the Petitioner : B Das
Advocate for the Respondent : Uttam Deka

Linked Case : MACApp. 9/2022

1:Bidisa Barla
D/o Lt. Kaniya Barla

R/o 8/11 Anishabari

PO Merbil
PS Laluk
Dist. Lakhimpur
Assam.

VERSUS

1:Naba Kt. Guhain and 2 Ors.
S/o Mina Kt. Guhain

R/o Pachim Boragoan
Near Ganesh Manidir
Gitanagar
Kamrup
Assam... driver of AS 01 BP 6801 Swift Dezire.

2:Mina Kt. Guhain
S/o Lt. Phanidhar Guhain

R/o Pachim Boragoan
Near Ganesh Manidir
Gitanagar
Kamrup
Assam.. Owner of AS 01 BP 6801

3:Oriental Insurance Com. Ltd
Naharlagun
T.T Complex Near Bharat Petrol Pump
Dist. Papumpare
AP

Advocate for the Petitioner : B Das
Advocate for the Respondent : Uttam Deka

Linked Case : MACApp. 8/2022

1:Promila Rai
W/o Lt. Guddu Rai

R/o Vill/PO/PS Roing
Dist. Dibang Valley
Arunachal Pradesh.

VERSUS

1:Ranu Gopal Sarda and 2 Ors.
S/o Amar Ch. Sarda
R/o Vill Jaskaran Building
A.T Road
PO/PS Jorhat
Dist. Jorhat
Assam... Owner of Vehicle No. AS01 G 9121

2:Ahrun Joseph
S/o Mati Joseph

R/o Manikpur
PO Parsuikpur
Dist. Muzafarpur
Bihar... Driver

3:Oriental Insurance Com. Ltd
Div/Office Naharlagun
A Sector
TT Complex
Dist. Papumpare
AP

Advocate for the Petitioner : B Das
Advocate for the Respondent : Uttam Deka

BEFORE
HONBLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 19.01.2023

Heard Mr. B. Das, learned counsel appearing for the appellant. Also heard Mr. U. Deka, learned counsel appearing for the respondent.

The MAC claim petition was dismissed by the Tribunal for lack of jurisdiction.

I have considered the submissions of the learned counsel of both sides.

The provisions relating to payment of compensation to motor accident victims are beneficial legislations. In order to buttress his argument Mr. Das has relied upon a decision of the Supreme Court that was delivered in Malati Sardar Vs. National Insurance Company Ltd & others. It has been laid down by the Supreme Court that when the main contesting parties are residing within the jurisdiction of the Tribunal, then the Tribunal has the jurisdiction to entertain the claim petition.

Be that as it may. The Tribunal on its own motion held that it did not have the jurisdiction but none of the parties raised this issue before the Tribunal.

I have already stated hereinbefore that the provisions of the Motor Vehicles Act relating payment of compensation to motor accident victims, are beneficial legislations and that is the reason why separate Motor Accident Claims Tribunals have been established.

This Court finds that the impugned order dated 18.05.2022 holding that the Tribunal did not have territorial jurisdiction is bed in law. Therefore, the order holding that the Tribunal did not have territorial jurisdiction to entertain the claim petition stands set aside.

The Tribunal shall dispose of the claim petition. Accordingly, the procedures laid down in law.

The present appeal stands allowed and disposed of.

JUDGE

Comparing Assistant