

**IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH**

FAO No.1675 of 2013
Date of Decision :05.04.2016

Salina and Others

.....Appellants

Versus

Rakesh Kumar and Others

.....Respondents

Coram Hon'ble Mr. Justice Amol Rattan Singh.

Present: Mr.Vikram Bali, Advocate, for the appellants.

Mr.Bhupinder Ghai, Advocate, for respondents No.1 and 2.

Mr.Vinod Gupta, Advocate, for
respondent No.3/Insurance Company.

Amol Rattan Singh, J.

The claim petition of the present appeals (bearing MACT Case No.194 of 27.09.2010) was dismissed vide the impugned Award on the grounds that the Tribunal at Panchkula did not have jurisdiction to entertain the petition in view of the fact that the accident in question took place in District Mohali, Punjab, the appellants/claimants are resident of Manimajra, U.T.Chandigarh.

The contention that simply because the Insurance Company, i.e. respondent No.3 before this Court as also before the learned Tribunal, had its office in Panchkula and as such, learned MACT, Panchkula, would have the jurisdiction, was rejected by the learned Tribunal. Learned counsel for the appellants has placed reliance of the judgment of the Supreme Court in **Malti Sardar Vs. National Insurance Company Limited and Others, 2016(1) RCR(Civil) 908,** to submit that even where the accident took place at a different place and the claimants are the residents of different place, the jurisdiction would still be available to the Tribunal, within the jurisdiction of the office of the Insurance Company.

Learned counsel for the respondents has not been able to distinguish the aforesaid judgment.

In view of the above, this appeal is allowed to the extent that the impugned Award is set aside qua the appellants herein and the matter is remitted to the learned Motor Accident Claims Tribunal, Panchkula, to consider the claim petition afresh and to decide the same on merits.

05.04.2016
anil

(Amol Rattan Singh)
Judge