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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Decided on: 21st July, 2017

+ MAC.APP. 123/2016

NASIM & ORS.

..... Appellants

Through: Mr. Anshuman Bal, Advocate

versus

SHRI RAM GENERAL INSURANCE CO. LTD. & ORS.

..... Respondents

Through: Mr. Priyadarsi Acharya,
Advocate for R-1.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

1. The appellants had filed the accident claim case (Petition No.19/2014) before the Motor Accident Claims Tribunal (the tribunal) on 03.02.2014 seeking compensation under Section 166 and 140 of the Motor Vehicles Act, 1988 on account of death of Yakub in a motor vehicular accident that occurred on 17.12.2013 in the area of Loni, Ghaziabad, U.P.

2. In the petition they claimed to be residents of E-403, Gali No.4, E Block, Shri Ram Colony, Delhi, falling within the jurisdiction of Police Station Khajuri Khas, Delhi. It appears that there were some doubts entertained and, therefore, the tribunal directed verification by the local police. Verification report indicated that the claim of the

residence in Delhi was incorrect and that the claimants were actually residents of Loni, Ghaziabad, U.P. The claimants (the appellants) took that position that the house in Delhi is on rent. It was, however, noted by the tribunal that the owner of the said house in Delhi is a close relative of the first appellant. On that basis, the claim of tenancy was doubted. It is against this backdrop that the tribunal concluded by order dated 16.11.2015 that it did not have the territorial jurisdiction.

3. In the opinion of this court, the approach of the tribunal was not correct. The facts pleaded in the petition including such facts as concern the territorial jurisdiction would have to be put to inquiry. The appellants' claim cannot be disbelieved without they being given opportunity to prove the facts pleaded.

4. In above view, the impugned order is set aside. The matter is remitted to the tribunal for further proceedings in accordance with law. Needless to add, the appellants would be obliged to satisfy the tribunal by leading evidence also as to the propriety of the jurisdiction they have invoked.

5. The parties shall appear before the tribunal on 22nd August, 2017.

6. The appeal is disposed of in above terms.

7. Pending application also stands disposed of.

R.K.GAUBA, J.

JULY 21, 2017

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