

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

FIRST APPEAL NO. 568 OF 2006

Shamrao Bhimrao Mane	...	Appellant
V/s.		
Karnataka State Road Transport Corporation and Anr.	...	Respondents

- Mr.Sarvajit B. Patil for the Appellant.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 10th OCTOBER, 2018.

P.C. :

1] This Appeal is preferred against the order dated 26/09/2005 passed by the Chairman, MACT, Solapur, thereby dismissing the Claim Petition MACP No.245 of 1999 on the ground that the Tribunal has no territorial jurisdiction to entertain the Claim Petition. According to the impugned judgment, it was noted that only the District Court or the Tribunal at Osmanabad will have the territorial jurisdiction to entertain the Claim Petition.

2] If it was so, as rightly submitted by learned counsel for the Appellant, the trial Court should have returned the Claim Petition to the Appellant for presenting the same before the competent Court. The

trial Court has, however, dismissed the Claim Petition, which order cannot be sustainable in law. Hence, the said order is set-aside by allowing this Appeal. The Claim Petition be returned to the Petitioner for presenting him before the proper Court/Tribunal having the territorial jurisdiction.

3] In view of the above, the Appeal stands disposed of.

[DR.SHALINI PHANSALKAR-JOSHI, J.]