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

+ CM(M) 7/2019

DEVENDER TOMAR & ORS

..... Petitioners

Through: Mr. Braham Singh, Advocate with
Ms. Seema Singh, Mr. Rohit Vidhudi
and Ms. Swati Taneja, Advocates.

versus

JAGBIR SINGH & ANR

..... Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

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07.01.2019

CM APPL. 190/2019

Exemption granted, subject to all just exceptions.

Application stands disposed of.

CM(M) 7/2019

Learned counsel for the petitioners has pointed out that the Court below while passing the impugned order failed to consider the provision of Section 166 sub-clause 2 and wrongly returned the petition to the complainant. He has further submitted that the claimant is a resident of Delhi within the jurisdiction of Karkardooma Court. He further submits that in support of his claim he has filed the copies of Aadhar Card of all the three petitioners indicating therein, that they are the residents of House No. B-448 M.I.G Flats, East Loni Road, Shahdra, Delhi-110093.

A perusal of the FIR reveals that the accident took place at Baghpat which is at a distance of 25 kms from Karkardooma Courts and the Aadhar Card placed on record reflects that the petitioners are the residents of House No. B-448 M.I.G Flats, East Loni Road, Shahdra, Delhi-110093 which falls within the jurisdiction of Motor Accidents Claims Tribunal, Karkardooma Courts. The petitioner/claimant has opted the jurisdiction of Karkardooma Court under the provision of Section 166 sub-clause 2, Motor Vehicle Act 1988, as the petitioner is residing at the aforesaid address.

In view of the submissions made by the learned counsel for the petitioner and in view of the judgment titled ***Mantoo Sarkar v. Oriental Insurance Company Limited and Others*** (2009) 2 Supreme Court Cases 244, I allow the petition filed by the petitioner and set aside the impugned order dated 30.08.2018.

A copy of this order be sent to the concerned Court to proceed with the matter in accordance of law forthwith.

With aforesaid directions, the present petition is disposed of.

Dasti.

I.S.MEHTA, J

JANUARY 07, 2019
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