

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

115

FAO No.6288 of 2019 (O&M)

Date of decision: 26.02.2020

DIPS School, Urban Estate Ph-I, Jalandhar

... Appellant

Versus

Smt. Sarla Kumari and ors.

... Respondents

**CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL**

Present : Mr. Abhinav Gupta, Advocate for the appellant.

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**REKHA MITTAL, J. (Oral)**

Challenge in the present appeal has been directed against award dated 29.03.2019 passed by the Motor Accidents Claims Tribunal, Yamuna Nagar at Jagadhri whereby compensation has been assessed on account of death of Bhim Sain, out of use of staff bus bearing No.PB09-X-6272.

Counsel for the appellant, in response to order dated 17.01.2020, would fairly inform that there was no permit or route permit in respect of aforesaid bus owned by DIPS School, Urban Estate Ph-I, Jalandhar. He would rather apprise that the said fact has been duly recorded in para 22 of the award. Nevertheless, he has sought to assail the award on the sole ground that the Tribunal at Jagadhri did not have territorial jurisdiction to decide the claim application as claimants are residents of District Kangra and accident took place in Jalandhar.

The Tribunal, in para 10 of the award, has adverted to the issue of jurisdiction of the Court. Smt. Sarla Kumari, widow of the deceased appeared in the witness box and stated that after death of her husband, she is residing with her brother at Yamuna Nagar, for the past one year. The Court, by relying upon judgment of Hon'ble the Supreme Court **Malati Sardar Vs. National Insurance Co. Ltd. and ors., 2016(1) RAJ 422** has held that provision regarding territorial jurisdiction has to be interpreted in consistency with the object of facilitating remedies to the victims of accidents. Hyper technical approach in such matters can hardly be appreciated and having regard to Section 21 CPC, objection of lack of territorial jurisdiction cannot be entertained in absence of any prejudice.

Counsel for the appellant, in response to a query, as to what prejudice has been caused if the claim has been filed in the Court in Yamuna Nagar, would submit that claimants have not examined any witness to prove the occurrence being a motor vehicular accident arising out of use of offending bus.

There cannot be denial that provisions of the Motor Vehicles Act, 1988 (in short 'the Act') providing for compensation are benevolent social legislation enacted with a clear intent to make good the loss the victim or victim family has suffered. As has rightly been held by the Tribunal that hyper technical approach in such matters can hardly be appreciated. Contention raised by counsel, from the point of view of prejudice, is patently misconceived and liable to be rejected. The claim was filed under Section 163-A of the Act as the deceased was stated to be one of the occupants of aforesaid staff bus of DIPS school. Counsel for the appellant has not denied that deceased was travelling in the aforesaid vehicle being one of the employees of said school. In the given circumstances, I find it difficult to accept contention of the appellant that award passed by the Tribunal is liable to be set aside on the question of territorial jurisdiction of the Court.

No other point has been raised.

For the foregoing reasons, finding no merit, the appeal fails and is accordingly dismissed in limine. As the appeal has been decided on merits, application for condonation of delay is of academic relevance.

26.02.2020

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**(REKHA MITTAL)**  
**JUDGE**

Whether speaking/reasoned:  
Whether reportable:

Yes / No  
Yes / No