



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.12.2021

CORAM :

THE HONOURABLE MRS.JUSTICE S.ANANTHI

C.R.P. (MD) .No.1328 of 2021

WEB COPY

1.Renuka
2.Minor.Pugazhini ...Petitioners/Petitioners
(Minor 2nd Petitioner represented by
her mother and next friend the 1st Petitioner)

Vs.

1.Balakrishnan
2.The Branch Manager
New India Assurance Company Ltd.,
High Boards Building,
147, Salai Street,
Ramanathapuram.
Policy No.73010131200100000293. ...Respondents/Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the Motor Vehicle Accident Claims Tribunal (District Court), Ramanathapuram to number the petition in M.C.O.P.SR.No.287 of 2021 and try the same in accordance with law.

For Petitioner : Mr.M.Sam Eugene Jebakumar

O R D E R

This matter is listed today under the caption 'For Being Mentioned' at the instance of the learned counsel appearing for the petitioners.

2.Heard the learned counsel for the petitioners. Taking note of the submission made by the learned counsel for the petitioners, the order, dated 22.09.2021 is deleted and the Registry is directed to issue a fresh order in the following manner:

'1.This Civil Revision Petition has been filed to direct the Motor Vehicle Accident Claims Tribunal (District Court), Ramanathapuram to number the petition in M.C.O.P.SR.No.287 of 2021.

2.The learned counsel appearing for the petitioners would submit that the petitioners are the residents of Sivagangai District and as per Section 166(2) of the Motor Vehicles Act, the petitioners can file the claim petition either before the Claims Tribunal having jurisdiction over the area in which the accident occurred or before the Claims Tribunal within the local limits of



whose jurisdiction the defendant resides. Since, the second respondent is having office at Ramanathapuram, the order of return made by the Tribunal is erroneous. Therefore, he prayed to set aside the same.

3. Heard Mr.M.Sam Eugene Jebakumar, learned counsel appearing for the petitioners.

4. Perusal of record shows that the first respondent is the owner of the offending vehicle and the second respondent is the insurer. The second respondent/Insurance Company is having office at Ramanathapuram. Section 166(2) of the Motor Vehicles Act reads as follows:

"Every application under sub-section (1) shall be made, at the option of the claimant, either to the Claims Tribunal having jurisdiction over the area in which the accident occurred, or to the Claims Tribunal within the local limits of whose jurisdiction the claimant resides or carries on business or within the local limits of whose jurisdiction the defendant resides, and shall be in such form and contain such particulars as may be prescribed".

Since, the second respondent/Insurance Company is having office at Ramanathapuram, as per Section 166(2) of the Motor Vehicles Act, the Tribunal has got jurisdiction to try the claim petition. But the Tribunal has erroneously returned the same on the ground of territorial jurisdiction. Therefore, the Civil Revision Petition is allowed and the impugned order of return is set aside. The Tribunal is directed to number the claim petition filed by the petitioners and dispose of the same on merits and in accordance with law. No costs''.

3. Registry is directed to return the original claim petition to the petitioners forthwith.

Sd/-

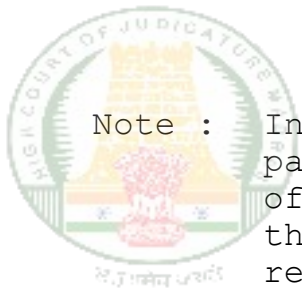
Assistant Registrar (CS-III)

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/ /2022

Sub Assistant Registrar (CS)

vsd



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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To

The Motor Vehicle Accident Claims Tribunal
(District Court),
Ramanathapuram.

COPY TO:

The Section Officer, E.R.Section,
Madurai Bench of Madras High Court, Madurai.

C.R.P.(MD).No.1328 of 2021

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