



C.R.P.No.4528 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2024

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.No.4528 of 2024

P.Prabhu

-Vs-

... Petitioner

1.A.Appavu

2.The Branch Manager
National Insurance Company Limited
Gurgaon DO-I, SCO No.41-42-43
Sector-31, Gurgaon - 122 001.

3.The Branch Manager
National Insurance Company Limited
1st Floor, No.18, Court Street
Kumaran Road Corner, Tiruppur
Tamil Nadu 641 601.

... Respondents

Prayer : Civil Revision Petition under Article 227 of the Constitution of India to issue a direction directing the Presiding Officer, Exclusive MACT at Tiruppur to number the MCOP SR.No.1257/2024.

For Petitioner : Ms.B.Dharani
for Mr.K.Myilsamy

ORDER

This Civil Revision Petition challenges the return made by the Exclusive Motor Accidents Claims Tribunal at Tiruppur in MCOP SR.No.1257 of 2024.



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2. The Civil Revision Petitioner is the claimant. He suffered a motor vehicle accident on 13.09.2024, while he was walking on the Kumaralingam to Udumalai Road. The accident was caused by the first respondent driving his Hyundai Creta car, in a rash and negligent manner. Claiming that as a labourer he was not able to work and since he suffered permanent disabilities, he filed the aforesaid petition claiming a compensation of Rs.40,00,000/-.

3. The learned Exclusive Tribunal for Motor Vehicle Accidents returned the said petition stating that the accident had occurred within the limits of Kumaralingam police station and that it should be presented before the appropriate Tribunal having jurisdiction. On receipt of the return, the claimant represented the same with an endorsement that he is working within the local limits of the Tribunal and apart from that, the insurance company viz., the National Insurance Company is having branch within the territorial limits of the said Tribunal. Yet again, the petition was returned on the same ground. Hence the claimant has preferred this revision before this Court.

4. I heard Ms.B.Dharani for Mr.K.Myilsamy.

5. Ms.Dharani refers to Section 166(2) of the Motor Vehicles Act and pleads that on account of the liberalised policy that had been contemplated under the



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Motor Vehicles Act, a petition claiming compensation under Section 166(1) can be presented in any of the four forums viz.,

- (i) within the jurisdiction of the Tribunal where the accident had taken place;
- (ii) within the jurisdiction where the claimant is residing;
- (iii) within the jurisdiction where the claimant is carrying on his business and
- (iv) within the local limits in whose jurisdiction the respondent resides.

6. She invites my attention to the memo filed by the claimant, pursuant to the return made by the Tribunal, to plead that, as the petitioner is working within the limits of the Exclusive Tribunal for Motor Accident Cases, Tiruppur, it attracts Section 166(2) and the said Tribunal has the jurisdiction to entertain the petition. She further points out that as National Insurance Company is having a branch within the jurisdiction of the Motor Accident Claims Tribunal at Tiruppur, even on that score the petition is maintainable.

7. She places very heavy reliance upon the judgment of the Supreme Court in **Balveer Batra -Vs- The New India Assurance Company in Civil Appeal No.1842 of 2024 dated 08.02.2024**. Therefore, she seeks for a direction that the revision be ordered and the Tribunal be directed to number the MCOP.

8. I have carefully considered the submissions of Ms.Dharani.



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9. I am entirely in agreement with Ms.Dharani that the jurisdiction of the Tribunal is unlike the jurisdiction of the Civil Court. Section 166(2) has adopted a liberalised policy when it comes to claim petitions. Being a beneficial legislation for alleviating the grievances of the victims, the Parliament has directed that a petition can be filed in any one of the aforesaid four jurisdictions.

10. In this particular case, the papers were returned to state how it is maintainable in terms of Section 166(2). The said return was re-presented with a memo by the claimant stating that he is working within the limits of the Tribunal and apart from that, the Insurance Company is also having a branch within the jurisdiction of the said Tribunal. For the purpose of seizing the jurisdiction, the Tribunal could have relied on this memo.

11. Apart from the judgment in **Batra's case**, this position has been settled by the Supreme Court in **Mantoo Sarkar -vs- Oriental Insurance Company Ltd (2009) 2 SCC 244**. In the said case, the Supreme Court had held that the Tribunal need not be confined as in the case of a Civil Court and that it should adopt a wide interpretation for Section 166 of the Act. Apart from that, for the purpose of territorial jurisdiction, it is the averments made in the petition which matter. The averments made in the petition points out that the Insurance Company is having a branch within the limits of the Exclusive Tribunal for Motor



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Accidents Claims at Tiruppur. The petitioner also pleads that he is working within the limits of that Tribunal. Therefore, the submissions of Ms.Dharani deserve consideration.

12. Accordingly, the Civil Revision Petition is ordered. There shall be a direction to the Exclusive Motor Accidents Claims Tribunal at Tiruppur to number MCOP SR.No.1257 of 2024 and if it is otherwise in order. The Tribunal shall not consider the issue of territorial jurisdiction all over again. No costs.

15.11.2024

Index : Yes/No
Neutral Citation : Yes/No
KST

To

The Exclusive Motor Accidents
Claims Tribunal, Tiruppur.



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V. LAKSHMINARAYANAN, J.

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