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C.R.P.(PD).No.4631 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2024

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THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN, J.

C.R.P.(PD).No.4631 of 2024

K.Alageshwaran

... Petitioner

..Vs..

- 1.P.Vadivel
- 2.M/s.MC Medical Services Private Limited,
No.372 F, Dr.Nanjappa Road,
Near Park Gate Signal,
Coimbatore,
Tamil Nadu – 641 018.
- 3.The Branch Manager,
United India Insurance Company Limited,
No.202-203, North Block, JDA Complex Bahu Plaza,
Railway Head,
Jammu & Kashmir – 180 003.
- 4.The Branch Manager,
United India Insurance Company Limited,
No.139, C.G.Complex, 3rd Floor,
Kumaran Road, Tiruppur,
Tamil Nadu – 641 601.



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5. The Nodal Officer,
United India Insurance Company Limited,
No.178, Dr.Nanjappa Road,
Opposite to Chidambaram Park,
Park Gate, Ram Nagar,
Coimbatore,
Tamil Nadu – 641 018.

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to issue a direction directing the Presiding Officer, Exclusive Motor Accident Claims Tribunal at Tiruppur to number the M.C.O.P.(SR).No.1228 of 2024 within a time bound manner.

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 M.C.O.P.(SR).No.1228 of 2024.

2. The Civil Revision Petitioner is the claimant. He suffered a motor vehicle accident on 15.09.2024, while he was riding a two-wheeler on the



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Sulur to Kurumbapalayam Road. The accident was caused by the first respondent while driving a Maruthi Omni Van, in a rash and negligent manner. Claiming that as a Mechanical Engineer, he was not able to work and since he had 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 Sulur police station and that it should be presented before the appropriate Tribunal having jurisdiction. On such 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 United India 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,



1988 and pleads that on account of the liberalised policy that had been contemplated under the Motor Vehicles Act, a petition claiming compensation under Section 166(1) of the said Act 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 first 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) of the Motor Vehicles Act and the said Tribunal has the jurisdiction to entertain the petition. She further points out that as United India Insurance Company is having a



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branch within the jurisdiction of the Motor Accident Claims Tribunal at Tiruppur, even on that score the petition is maintainable before the aforesaid Tribunal.

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 M.C.O.P.

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

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) of the Motor Vehicles Act 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.



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10. In this particular case, the papers were returned to state how it is maintainable in terms of Section 166 (2) of the Motor Vehicles Act. 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 restricted, as a Civil Court and that it should adopt a wide interpretation for Section 166 of the Motor Vehicles Act. Apart from that, for the purpose of territorial jurisdiction, it is the averments made in the claim 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 Accidents Claims at



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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 M.C.O.P.(SR).No.1228 of 2024 and if it is otherwise in order. The Tribunal shall not consider the issue of territorial jurisdiction all over again. No costs.

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Index : Yes/No

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