

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**138****CR No.2133 of 2024****Reserved on : 08.04.2024****Date of Decision : 29.04.2024**

Kashmir Singh

....Petitioner

VERSUS

Kaushalya Devi and Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Arnav Kumar, Advocate for the petitioner.

ALKA SARIN, J.

1. The present revision petition under Article 227 of the Constitution of India has been filed for quashing of the order dated 15.02.2024 passed by the Motor Accident Claims Tribunal, Chandigarh (hereinafter referred to as the 'Tribunal') dismissing the application filed by the petitioner herein for framing of an additional issue.

2. The brief facts relevant to the present case are that the claimant-respondent Nos.1 to 3 herein filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 (as amended upto date) for grant of compensation. During the pendency of the said petition an application was filed by the petitioner herein under Order VII Rule 11(d) of the Code of Civil Procedure, 1908 read with Section 166(2) of the Motor Vehicles Act, 1988 for rejection of the claim petition on the ground of lack of territorial jurisdiction. The said application was dismissed vide order dated 11.04.2023. No appeal or revision was preferred by the petitioner herein challenging the said order.

Subsequently, an application was filed by the petitioner herein for framing of an additional issue qua the territorial jurisdiction.

3. Learned counsel for the petitioner would contend that the Tribunal does not have jurisdiction and that the petitioner herein had filed his written statement raising several preliminary objections mainly on the ground of jurisdiction. It is further the contention that no ground regarding jurisdiction was framed by the Tribunal and hence the application for framing of an additional issue. It is further the contention that the finding returned under Order VII Rule 11 CPC would not be binding on the parties as the same is against the settled principles of law.

4. Heard.

5. In the present case after the filing of the claim petition an application was filed by the petitioner under Order VII Rule 11(d) CPC raising the objection therein that the place of accident was Shimla and the claimant-respondent Nos.1 to 3 herein are also residents of Shimla and hence the claim petition was not maintainable at Chandigarh. The Tribunal vide a detailed order dated 11.04.2023 dismissed the application specifically holding as under :

“6. In the light of Malti Sardar’s case (supra), there is no bar to a claim petition filed at a place where the insurance company, which is the main contesting party in such cases, has its business. As there is no denial on part of respondent No.3 about having its branch office/place of business at Chandigarh. Thus, this Tribunal has found force in the submissions of the learned counsel for the claimants that the Motor Accidents Claims Tribunal at

Chandigarh has jurisdiction to entertain and decide the claim petition in hand. Accordingly, finding no merits in the application in hand, the same is accordingly dismissed.”

6. Once on an application filed by the petitioner a categorical finding was returned that the Motor Accident Claims Tribunal at Chandigarh had jurisdiction, the petitioner by insisting on framing of an additional issue qua jurisdiction cannot be permitted to get the question of jurisdiction reopened since the same already stood concluded vide order dated 11.04.2023, which was not challenged by the petitioner further for reasons best known to him. Having accepted the said order it does not now lie in the mouth of the petitioner to challenge the jurisdiction of the Tribunal.

7. In view of the above, I do not find any merit in the present revision petition, which is accordingly dismissed. Pending applications, if any, also stand disposed off.

**(ALKA SARIN)
JUDGE**

29.04.2024
jk

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO