



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

**FAO-1959-2024 (O&M)  
Date of Decision: 23.07.2024**

**MAAN SINGH @ MONU** **....Appellant**

**VERSUS**

**ARSHPREET SINGH AND ORS** **....Respondents**

**CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present: Mr. Neeraj Khanna, Advocate  
for the appellant.

Mr. Karanpreet Singh, Advocate  
for respondent Nos.1 & 2.

Mr. Satpal Dhamija, Advocate  
for respondent No.3-Insurance Company.

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**HARKESH MANUJA, J. (Oral)**

1. By way of present appeal, challenge has been laid to an award dated 11.03.2024 passed by the learned Motor Accident Claims Tribunal, SAS Nagar Mohali (for short 'the Tribunal') whereby the claim petition filed at the instance of appellant-claimant stands dismissed with the following observations:-

“15. From all the above discussion, this Tribunal is of the considered opinion that as required under Section 166 Part (2) of the Motor Vehicles Act, 1988, neither the accident in question was occurred within the area of the jurisdiction of this Tribunal, nor the claimant and



defendants reside or carry on their business within the local limits of the jurisdiction of this Tribunal and as such this Tribunal has no jurisdiction to entertain, try or decide the present claim petition and accordingly, this issue No.3 stands decided against the claimant and in favour of the respondents.”

2. In the present case, on account of death of the mother of the appellant Kiran Devi in a road accident, which took place on 02.04.2023 in the area of village Machhiwara Kham, District Ludhiana, the appellant-claimant filed a claim petition invoking Section 166 of the Motor Vehicle Act. The aforesaid petition came to be dismissed by the Tribunal, while recording that since accident in question occurred in the area of Police Station Machhiwara, District Ludhiana, as such this Tribunal has no territorial jurisdiction to entertain the claim petition filed at the instance of appellant-claimant.

3. Learned counsel for the appellant-claimant submitted that the present case is squarely covered by the bare provision of Section 166(2) of the Motor Vehicle Act, 1988, as per which a claim petition can be filed within the local limits of the claims Tribunal within whose jurisdiction the claimant resides.

4. Per contra, learned counsel appearing for respondent No.3 has not been able to controvert the aforementioned legal position.

5. I have heard learned counsel for the parties and gone through the paper-book.



6 Before proceeding further it may be necessary to have a glance at Section 166 of the Motor Vehicles Act, 1988 (hereinafter referred to as 'the Act') which reads as under:-

**166. Application for compensation.—(1) An application for compensation arising out of an accident of the nature specified in sub-section (1) of section 165 may be made—**

- (a) by the person who has sustained the injury; or
- (b) by the owner of the property; or
- (c) where death has resulted from the accident, by all or any of the legal representatives of the deceased; or
- (d) by any agent duly authorised by the person injured or all or any of the legal representatives of the deceased, as the case may be:

Provided that where all the legal representatives of the deceased have not joined in any such application for compensation, the application shall be made on behalf of or for the benefit of all the legal representatives of the deceased and the legal representatives who have not so joined, shall be impleaded as respondents to the application.

[Provided further that where a person accepts compensation under section 164 in accordance with the procedure provided under section 149, his claims petition before the Claims Tribunal shall lapse.]

[(2) 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: Provided that where no claim for compensation under section 140 is made in such application, the application shall contain a separate statement to that effect immediately before the signature of the applicant.]

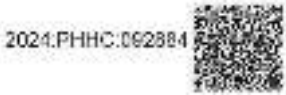
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[(3) No application for compensation shall be entertained unless it is made within six months of the occurrence of the accident.]

(4) The Claims Tribunal shall treat any report of accidents forwarded to it under [section 159] as an application for compensation under this Act.]’

7. Undoubtedly, the aforesaid provision indicates that option lies with the claimant to make an application for compensation either to the Claims Tribunal having jurisdiction over the area in which the accident occurred or within the local limits in whose jurisdiction the claimant resides or carry on business or within the local limits of jurisdiction the defendant resides.

8. Admittedly, as per the records, claimant/ appellant in the present case is stated to have residing within the territorial jurisdiction of District SAS Nagar, Mohali, thus in such circumstances, the claim petition filed at his instance before the Claims Tribunal at Mohali was well within its jurisdiction in terms of Section 166 (2) of the Act.



9. Similar view has also been drawn by a Coordinate Bench of this Court in its decision dated 20.12.2022 passed in CR No.5314 of 2016, titled as Dev Raj @ Dev Raj Sharma and others Vs. Pawan Kumar and others and relevant portion therefrom is extracted hereunder:-

“As regards the objection with regard to the jurisdiction, it is well settled by now that the claimants can file the claim petition before the Tribunal, where they reside. In the claim petition, the claimants have stated that they are residents of Mohali. Reliance in this regard can be placed upon the judgment in ‘**Mantoo Sarkar vs. Oriental Insurance Co. Ltd. and ors. (2009) 2 SCC 244.**”

10. In view of the technicalities made hereinabove, the impugned award dated 11.03.2024 passed by the Tribunal is hereby set aside and the matter is sent back to the Tribunal for adjudication of MACP case No.42 dated 20.04.2023 titled as ‘*Maan Singh alias Monu vs. Arshpreet Singh and others*’ on merits.

11. Disposed of.

12. Pending application(s), if any, shall also stand disposed of.

July 23, 2024  
Sangeeta

(HARKESH MANUJA)  
JUDGE

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|----------------------------|--------|
| Whether reasoned/speaking: | Yes/No |
| Whether reportable:        | Yes/No |