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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ MAC.APP. 658/2024 &CM APPLN. 72234/2024 & CM APPLN. 72235/2024

GO DIGIT GENERAL INSURANCE CO.LTD. .....Appellant

Through: Mr. Sameer Nandwani, Advocate

Versus

SMT CHIROJA & ORS. .....Respondents

Through:

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

<u>O R D E R</u>

% **16.12.2024**

1. The present petition under *Article 227* of the *Constitution of India* has been filed on behalf of the Insurance Company challenging the Order dated 26.09.2024 whereby the learned Motor Accident Claims Tribunal has held that it has the jurisdiction to entertain the Claim Petition under *Section 166* of the *Motor Vehicles Act, 1988 (hereinafter 'the Act')*.

2. An Application under *Order VII Rule 10 of the CPC* and *Section 169* of *the Act* was filed by the Insurance Company challenging the territorial jurisdiction, placing reliance upon Section 166 of *the Act* wherein the provisions for territorial jurisdiction have been spelt out.

3. According to *Section 166 of the Act*, the Claim Petition can be filed before the Tribunal having jurisdiction of the area in which the accident has occurred, within the local limits of whose jurisdiction the claimant resides or carries business; or within the local limits of whose jurisdiction the defendant resides.

4. The learned Tribunal in the impugned Order has relied upon judgment dated 05.01.2016 by the Apex Court in *Malati Sardar Vs. National Insurance Company Ltd.*, in Civil Appeal Nol0/2016, *arising out of SLP (Civil)* No.27243/2015) wherein it has been observed that hyper-technical approach in Motor Accident matters can hardly be appreciated. Where a Claim Petition has been filed at a place where the insurance company, which is the main contesting party, has its business; the concerned Tribunal would have the territorial jurisdiction. The learned Tribunal further observed that the Insurance Company, despite knowledge of the law laid down by the Supreme Court, has chosen to file the application and which was consequently dismissed a with cost of Rs.20,000/-.

5. Learned counsel on behalf of the Appellant/Insurance Company has submitted that *Section 170* of *the Act* makes it evident that in the first instance, the dispute is between the Driver and Owner of the offending vehicle and the victim/injured and the Insurance Company steps in subsequently for payment of compensation. Therefore, submitted that the place of work of the Insurance Company cannot be a determining factor for territorial jurisdiction.

6. Submissions heard and record perused.

7. The Apex Court in the case of *Malati Sardar (Supra)*, of which reference has been made in the impugned Judgment, categorically observes that hyper technical interpretations to provisions of Motor Vehicle Act, cannot be given in the matters of adjudication of compensation and decision on Claim, considering the nature of the legislation which is essentially social.

8. The learned Tribunal also noted that the Insurance Company was having its Branch Office in Delhi and thus, it cannot be said that it does not have place of business and consequently, it was noted that the Court had the territorial jurisdiction to entertain the Claim Petition.

9. The learned Tribunal has rightly held that because the Branch Office of the Insurance Company is situated in Delhi, it has the territorial jurisdiction to entertain the claim petition.

10. There is no infirmity in the impugned Order dated 26.09.2024 of the learned Motor Accident Claims Tribunal. The Petition is accordingly dismissed, along with pending Applications.

NEENA BANSAL KRISHNA, J

DECEMBER 16, 2024

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