

C.O. 196 of 2025

Go Digit General Insurance Company Limited
-versus-
Meena Lakra & Ors.

Mr. Anirban Ray, Sr. Advocate
Mr. Soumalya Ganguli
Mr. Sounak Banerjee
..for the petitioner

Mr. Krishanu Banik
Mr. Tathagata Banik
..for the opposite party nos.1 to 5

Affidavit of service filed in Court today is
taken on record.

This application under Article 227 of the
Constitution of India is at the instance of the Insurance
Company and is directed against an order being no. 13
dated August 9, 2024 passed by the learned Judge,
Motor Accident Claim Tribunal, Suri, Birbhum -cum-
Additional District Judge, 1st Track Court, Suri, Birbhum
in MACC No. 101 of 2023 (R. No. 101/2023).

By the order impugned the objection raised
by the Insurance Company with regard to the jurisdiction
of the learned Tribunal stood rejected.

Mr. Ray, learned senior advocate appearing
for the Insurance Company/petitioner draws the
attention of the Court to the claim petition filed under
Section 166 of the Motor Vehicles Act and submits that

the accident took place outside the jurisdiction of the learned Tribunal. He further submits that the claimant resides outside the jurisdiction of the learned Tribunal. He further submits that it has admitted in the claim petition that the Insurance Company is having its address at Park Street, Kolkata and, therefore, the learned Tribunal lacks jurisdiction to try and entertain the claim petition. He has placed reliance upon a decision of the Hon'ble Supreme Court in the case of Mantoo Sarkar Vs. Oriental Insurance Company Limited and others reported at (2009) 2 SCC 244.

Per contra, Mr. Banik, learned advocate appearing for the claimant/opposite party nos.1 to 5 herein submits that the Insurance Company has also its business at Suri town and various places throughout the district of Birbhum. He submits that the Tribunal has jurisdiction to try and entertain the claim petition. He places reliance upon the decision of the Hon'ble Supreme Court in the case of Malati Sardar Vs. National Insurance Company Limited and others reported at (2016) 3 SCC 43.

In Malati Sardar (supra) the Hon'ble Supreme Court has held that there is no bar to a claim petition being filed at a place where the Insurance Company, which is the main contesting party in such cases, has its business.

Mr. Ray, learned senior advocate appearing for the petitioner disputes that the Insurance Company has its business in Suri town within the district of Birbhum.

On the other hand, Mr. Banik, learned advocate appearing for the claimant/opposite party nos.1 to 5 herein submits that the insurance company has its business at Suri town in the district of Birbhum.

However, from the claim petition this Court finds that no specific address at Suri town where the Insurance Company is having its business has been specifically mentioned. The Insurance Company/petitioner herein also in its application raising an objection as to the jurisdiction has not specifically denied that the Insurance Company is having its business at Suri.

In view thereof, this Court is of the considered view that the factual issue as to whether the Insurance Company is having its business at Suri is to be considered. For such reason, the petitioner will be at liberty to take out an application raising an objection as to the jurisdiction of the Tribunal only with regard to the fact as to whether the Insurance Company has its business at Suri town in the district of Birbhum. If such an application is filed by the Insurance Company within a period of three weeks from the date of receipt of a server copy of the order, the learned Tribunal shall decide

the same after giving an opportunity to the opposite parties to file an objection thereto and make an endeavour to dispose of the same as expeditiously as possible preferably within a period of four weeks after the said application is made ready for hearing without granting any unnecessary adjournments to either of the parties.

With the above observations and directions, C.O. 196 of 2025 is disposed of.

No order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)