

FAO No.3216 of 2005 (O&M) &
FAO No.3217 of 2005

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(238)

Reserved on: 12.02.2026
Pronounced on: 20.02.2026
Uploaded on: 20.02.2026

1. FAO No.3216 of 2005 (O&M)

Yashpal

... Appellant

Versus

Kirti Bhushan & Others

... Respondents

AND

2. FAO No.3217 of 2005 (O&M)

Pushpa Devi & Another

... Appellants

Versus

Kirti Bhushan & Others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Dinesh Maurya, Advocate for
Mr. G.S.Sandhu, Advocate
for the appellants.

Mr. Kumar Phogat, Advocate
for respondents No.1 & 2.

Mr. Vinodh Chaudhari, Advocate
for respondent No.3

VIRINDER AGGARWAL, J.

1. These two connected appeals arise out of the common award dated 31.01.2005 passed by the learned Motor Accident Claims Tribunal, Karnal, whereby both the claim petitions filed by the appellants were dismissed solely on the ground of lack of territorial jurisdiction without entering into the merits of the case.

**BACKGROUND FACTS**

2. On 02.11.2002 at about 5:15 p.m., Sonu Partap (deceased) and Yashpal (injured claimant) were proceeding on a motorcycle from Village Indri to Village Gangar. When they reached the area of Village Samoura on Ladwa-Karnal Road, a jeep bearing registration No.UP-12-C-7825, driven by respondent No.2 in a rash and negligent manner, came from the opposite direction, hit the motorcycle and caused the accident. Sonu Partap died on the spot. Yashpal sustained multiple grievous injuries including head injury, loss of memory and fractures. FIR No.325 dated 02.11.2002 was registered at Police Station Sadar, Karnal against the driver of offending vehicle.

3. The claim petitions were filed before the MACT, Karnal. Respondents No.1 & 2 (owner and driver) in their written statements admitted the accident but attributed negligence to the deceased. Respondent No.3 (Oriental Insurance Company Ltd., Karnal) contested the petitions and raised the objection of lack of jurisdiction. The learned Tribunal framed issues and, without deciding issues on negligence and quantum, dismissed both petitions holding that the claimants failed to prove that they were residing within the jurisdiction of Karnal MACT on the date of accident. The learned Tribunal observed that the earlier petitions filed at Ambala MACT were withdrawn and the documents (matriculation certificate, ITI certificate, ration card) did not conclusively prove residence on 02.11.2002. Feeling aggrieved, the claimants have preferred these appeals.

CONTENTIONS

4. Learned counsel for the appellants has vehemently contended that the learned Tribunal committed a patent error of law by ignoring the first and foremost ground of jurisdiction provided under Section 166(2) of the Motor Vehicles Act, 1988 i.e. "the area in which the accident occurred". The accident



admittedly took place within District Karnal. The FIR was registered at PS Sadar, Karnal. All respondents admitted the accident in their pleadings. Therefore, the Karnal MACT had unquestionable jurisdiction irrespective of the place of residence of the claimants. Reliance is placed on the plain language of Section 166(2) and the benevolent nature of the legislation. It is further submitted that withdrawal of earlier petitions from Ambala MACT on the ground of jurisdiction is not a bar to re-filing at the correct forum. The Tribunal's finding is perverse and contrary to the object of the Act.

5. Learned counsel for the insurer (respondent No.3) supported the impugned award and submitted that the learned Tribunal rightly dismissed the petitions on the ground of jurisdiction. It was contended that the owner and driver of the offending vehicle hail from District Muzaffarnagar (U.P.) and the petitions were not maintainable before the Karnal Tribunal.

OBSERVATIONS AND FINDINGS

6. I have heard the learned counsel for the parties and perused the record of both appeals and the impugned judgment.

7. At the outset, It is important to reiterate the Section 166(2) of the Motor Vehicles Act, 1988 (as it stood at the relevant time) which reads as under:

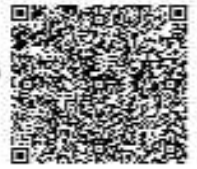
“Every application under sub-section (1) shall be made, at the option of the claimant, either to the Claims Tribunal having jurisdiction over the area in which the accident occurred or to the Claims Tribunal within the local limits of whose jurisdiction the claimant resides or carries on business or within the local limits of whose jurisdiction the defendant resides, and shall be in such form and contain such particulars as may be prescribed:”



8. Thus, as per the Section 166(2) of the Act, the claimant has the option to choose any of the three forums. In the present case, the accident occurred within the territorial limits of District Karnal. This fact is admitted by the owner and driver in their written statements and is also borne out from the FIR registered at PS Sadar, Karnal. Therefore, the Karnal MACT had full jurisdiction under the first clause of Section 166(2) itself. The learned Tribunal fell into grave error by confining its inquiry only to the residence of the claimants and ignoring the locus of the accident, which was never disputed.

9. The documents produced by the claimants (education certificate, ration card) were examined by the learned Tribunal only to test residence on the exact date of accident. Once the accident itself had occurred in Karnal, the question of residence became wholly irrelevant. The finding of the learned Tribunal on this score is not only erroneous but also perverse. Moreover, the earlier withdrawal of petitions from Ambala MACT on the ground of jurisdiction does not operate as res judicata. Withdrawal on technical ground of jurisdiction is not a decision on merits. The claimants were well within their rights to re-file at the proper forum. Motor Accident Claims Tribunals are forums of summary and benevolent jurisdiction. The Act is a piece of social welfare legislation. Technical objections cannot be allowed to defeat substantive claims, especially when the accident is admitted and occurred within the district. Therefore, the finding on jurisdiction is legally unsustainable and is hereby set aside.

8. In view of the above, both the appeals are allowed. The impugned common judgment dated 31.01.2005 passed by the Motor Accidents Claims Tribunal, Karnal is hereby set aside.



9. Both the claim petitions (MACT Case No.210 of 2003 & MACT Case No.209 of 2003) are remanded back to the Motor Accidents Claims Tribunal, Karnal with the following directions:

(i) The learned Tribunal shall decide both the petitions afresh on merits on the basis of evidence already on record. No fresh evidence shall be led by any party unless the learned Tribunal, for reasons to be recorded, considers it necessary in the interest of justice.

(ii) The learned Tribunal shall decide the petitions expeditiously, preferably within two months from the date of receipt of a certified copy of this order.

(iii) The parties shall appear before the learned Tribunal on 10.03.2026 or on the next working day.

10. Keeping in view the long pendency of the matter since 2003 and the fact that the claimants have been litigating for more than 23 years, the learned Tribunal shall give priority to these cases.

11. A copy of this judgment be sent to the Motor Accidents Claims Tribunal, Karnal for compliance. Registry is directed to send the paper-books of both appeals to the learned Tribunal along with the copy of this judgment.

12. Since the main case has been disposed of, pending miscellaneous application(s), if any, stands also disposed of.

13. The Photocopy of this order be placed on the file of other connected case.

(VIRINDER AGGARWAL)
JUDGE

20.01.2026

Saurav Pathania

(i) Whether speaking/reasoned : Yes/No
(ii) Whether reportable : Yes/No