
(2017) 11 DEL CK 0704

In the Delhi High Court

Case No : MAC. Appeal No. 961 Of 2017, Civil Miscellaneous No. 39748 Of 2017

Nisha & Anr

APPELLANT

Vs

Vikram Singh & Anr

RESPONDENT

Date of Decision : 06-11-2017

Acts Referred:

Motor Vehicles Act, 1988 — Section 166(2)

Citation : (2017) 11 DEL CK 0704

Hon'ble Judges : R.K.Gauba, J

Bench : Single Bench

Advocate : Anshuman Bal

Final Decision : Allowed

Judgement

R.K.Gauba, J

1. The appellants had instituted on 21.07.2017 accident claim case (ID No. 11246/2017) before Motor Accident Claims Tribunal of North East District, Karkardooma Court Complex, seeking compensation on account of death of their daughter Nargis in a motor vehicular accident that took place on 05.04.2017 in the State of Uttar Pradesh. The claimants (the appellants) have described themselves as residents of D-815, Gali no.20C, Bhajanpura, Delhi, 110053 which, if correct, would confer the jurisdiction on the tribunal to entertain the claim petition under Section 166(2) of Motor Vehicles Act, 1988. It appears the claimants had submitted a copy of their Aadhaar card as prima facie proof of such residence in Delhi.

2. The tribunal, however, has declined to entertain the claim petition by order dated 24.07.2017 observing that such Aadhaar card could not be presented as proof of residence, it being merely a proof of identity. The tribunal has declined to issue a notice, throwing out the claim petition at the threshold.

3. In the above facts and circumstances, no notice at this stage to the respondents is required to be issued since the doubts on the territorial

jurisdiction were entertained by the tribunal on its own motion, such doubts having ultimately resulted in the petition being returned.

4. In the opinion of this Court, the approach of the tribunal was erroneous. It should have called upon the claimants to bring further evidence, if the documents filed with the petition were deficient in any which way.

5. The appeal is, therefore, allowed. The impugned judgment is set aside. The claim petition is revived and restored on the file of the tribunal for appropriate further proceedings in accordance with law. The claimants are directed to appear before the tribunal on 5th December, 2017.