
(2018) 06 GAU CK 0088
In the Gauhati High Court
Case No : MACApp. 92 of 2014

Upendra Reang And 3 Ors. APPELLANT
Vs
Oriental Insurance Co. Ltd. And Anr RESPONDENT

Date of Decision : 18-06-2018

Acts Referred:

Motor Vehicles Act, 1988 — Section 166(2)

Citation : (2018) 06 GAU CK 0088

Hon'ble Judges : MIR ALFAZ ALI, J

Bench : Single Bench

Advocate : M Beria

Final Decision : Dismissed

Judgement

1. Heard Mr. K. Sarma, learned counsel for the appellants and Ms R. D. Mozumdar, learned counsel for the respondents.
2. This appeal is by the claimants against the judgment and award dated 24-06-2013 passed by the MACT, Goalpara in MAC Case No. 213/2009.
3. One Emanuel Reang died in a motor vehicle accident, involving the vehicle (truck) bearing registration no. AS-18/A-4614. The deceased was traveling in the said truck as handyman, which met with an accident on 22-10-2008 at Rangbaram Forest Reserve in the district of Garo Hills, Meghalaya.
4. The claimants being the legal representatives of the deceased Emanuel Reang filed a claim petition before the MACT, Goalpara praying for compensation. After hearing the parties, the learned tribunal came to the conclusion that the tribunal at Goalpara did not have territorial jurisdiction to adjudicate the matter and therefore, returned the claim petition along with documents for presenting before the appropriate tribunal having jurisdiction.

5. Aggrieved by the said order, the claimants preferred the instant appeal.

6. Learned counsel, Mr. K. Sarma for the appellants submits, that once the tribunal assumed the jurisdiction to adjudicate the matter, the tribunal could not have passed the impugned order and as such, the order is to be set aside.

7. Sub-section (2) of Section 166 of the Motor Vehicle Act reads as under :-

“Every application under sub-section (1) shall be made at the opinion of the claimant, either to 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.”

8. Thus, the claimant has the option to file a claim petition either before the tribunal within whose jurisdiction cause of action arises or the accident

takes place or before the tribunal within whose jurisdiction the claimant or defendant resides.

9. In the instant case the claimant was a resident of Tripura. Accident took place in the district of Garo Hills within the State of Meghalaya and the

defendant No. 1 was shown to have its address at Christianbasti, Guwahati. The defendant Nos. 2 & 3 were residents of the State of Meghalaya.

Therefore, neither the cause of action for the claim arose within the territorial jurisdiction of the tribunal, Goalpara, nor any of the party resides within

the territorial jurisdiction of Goalpara. The learned tribunal, in my considered view, rightly held, that the MACT, Goalpara did not have the jurisdiction

over the matter.

10. Learned counsel, Mr. Sarma submits that once the tribunal, comes to the conclusion that it has no jurisdiction over the matter, it cannot adjudicate

the same. From the impugned order it appears, that the learned tribunal did not adjudicate the matter and returned the claim petition along with

documents for presenting before the appropriate tribunal, and as such, in my considered view, the order passed by the tribunal returning the claim

petition did not suffer from any illegality requiring interference by this Court, inasmuch as, admittedly the tribunal at Goalpara did not have jurisdiction.

In view of above, the appeal appears to be without merit and accordingly stands dismissed.

11. Send back the LCR immediately.