

Nisha & Anr vs.vikram Singh & Anr

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Court : Delhi

Decided On : Nov-06-2017

Appellant : Nisha & Anr

Respondent : Vikram Singh & Anr

Advocate for Pet/Ap. : Mr. Anshuman Bal

Judgement :

\$~14 * IN THE HIGH COURT OF DELHI AT NEW DELHI Decided on:

6. h November, 2017 + MAC.APP. 961/2017 & CM No.39748/2017(exemption)
NISHA & ANR Appellants Through: Mr. Anshuman Bal, Adv. versus VIKRAM
SINGH & ANR

... RESPONDENTS

Through: None. CORAM: HON'BLE MR. JUSTICE R.K.GAUBA JUDGMENT
(ORAL) 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 MAC.APP. 961/2017 page 1 of 2 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. NOVEMBER6 2017 umang MAC.APP. 961/2017 R.K.GAUBA, J.

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