

THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Civil Transfer Application NO. 24 of 2006(S/J)

Master Sankalp S/O Mukesh Saxena, R/O 5/3 Canal Road Kishenpur Dehradun, through his natural guardian/father Mukesh Sanena.

.....Applicant.

Versus

1. Motor Accident Claim Tribunal/District Judge, Almora.
2. Usha Pant D/O Shri Nirmal Chandra Pant, R/O 9 Chibber Road, Near Vaish Nursing Home, Sevak Ashram Road, Dehradun.

..Respondents.

Sri Anurag Bisaria, learned counsel for the applicant.

Sri Nand Prasad, learned Standing Counsel for respondent no.1-State.

Dated December 22, 2006.

Hon'ble B.S. Verma, J.

Heard learned counsel for the petitioner and perused the contents of the application.

This application under Section 24 of the Code of Civil Procedure, 1908, has been filed for transfer of Motor Accident Claim Petition No. 32 of 2006 Usha Pant Vs. Sankalp, pending before the respondent no.1 from Almora to the competent court at Dehradun.

The contention of the applicant is that the accident in question took place in district Dehradun, the vehicle is insured with the Oriental Insurance Company at Dehradun and that the claimant is residing at Dehradun, therefore, the jurisdiction to try the claim petition rests with the Dehradun Motor Accident Claims Tribunal and not the Tribunal at Almora. It is obvious that the point of jurisdiction is involved in the matter. According to the learned counsel for the applicant, even otherwise, it is necessary that the point of jurisdiction of the Tribunal may be decided first.

In the facts and the circumstances of the case liberty is given to the applicant to file an application before the Tribunal concerned and the Tribunal concerned shall decide the question of jurisdiction before deciding the claim petition (MAC Case No. 32 of 2006, Usha Pant Vs. Sankalp) on merit finally.

With the above observations, the application is disposed of.

(B.S.Verma, J.)

RCP