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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : MACApp./134/2026

MIRA BEGUM AND 3 ORS
W/O LATE RIJU ALI, RESIDENT OF VILLAGE- KAMALPUR, P.O.- PUTHIMARI, P.S.- KAMALPUR, IN THE DISTRICT OF KAMRUP, ASSAM, PIN- 781380 AND PRESENTLY RESIDING AT VILLAGE- BURIKAMAR, P.O.- BAGODI, P.S.- SARTHEBARI, IN THE DISTRICT- BARPETA, ASSAM, 781311.

2: RAHUL ALI
S/O LATE RIJU ALI
RESIDENT OF VILLAGE- KAMALPUR
P.O.- PUTHIMARI
P.S.- KAMALPUR
IN THE DISTRICT OF KAMRUP
ASSAM
PIN- 781380 AND PRESENTLY RESIDING AT VILLAGE- BURIKAMAR
P.O.- BAGODI
P.S.- SARTHEBARI
IN THE DISTRICT- BARPETA
ASSAM
781311.

3: TINA BEGUM
D/O LATE RIJU ALI
RESIDENT OF VILLAGE- KAMALPUR
P.O.- PUTHIMARI
P.S.- KAMALPUR
IN THE DISTRICT OF KAMRUP
ASSAM
PIN- 781380 AND PRESENTLY RESIDING AT VILLAGE- BURIKAMAR
P.O.- BAGODI
P.S.- SARTHEBARI
IN THE DISTRICT- BARPETA
ASSAM
781311.

4: KHABIR ALI

FATHER OF LATE RIJU ALI
RESIDENT OF VILLAGE- KAMALPUR
P.O.- PUTHIMARI
P.S.- KAMALPUR
IN THE DISTRICT OF KAMRUP
ASSAM
PIN- 781380 AND PRESENTLY RESIDING AT VILLAGE- BURIKAMAR
P.O.- BAGODI
P.S.- SARTHEBARI
IN THE DISTRICT- BARPETA
ASSAM
781311

VERSUS

NARUL ISLAM AND 2 ORS
S/O LATE TASNUR ALI, R/O BAMONGAON, P.O.- PUTHIMARI, P.S.- KAMALPUR, IN THE DISTRICT OF KAMRUP, ASSAM, 781380.

2:UPASANA DAS
D/O KABIN DAS
RESIDENT OF VILLAGE - SUTARGAON
P.O.- BAIHATA CHARIALI
P.S.- BAIHATA CHARIALI
IN THE DISTRICT OF KAMRUP
ASSAM
781380

3:BRANCH MANAGER OF TATA AIG GENERAL INSURANCE CO. LTD.
3RD FLOOR
MAYUR GARDEN
OPPOSITE HDFC BANK
BHANGAGARH
GUWAHATI
ASSAM
78100

Advocate for the Petitioner : MR. P P DAS, MR. SURAJIT DAS

Advocate for the Respondent : ,

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

13.10.2026

1. Heard Mr. S. Das, the learned counsel for the appellants.

2. The present appeal under Section 166 of the Motor Vehicles Act, 1988, has been filed by the appellants impugning the order dated 29.11.2025 passed by the Motor Accident Claims Tribunal, Barpeta, in MAC Case No. 375/2024, whereby the claim petition filed by the present appellants under Section 166 of the Motor Vehicles Act, 1988, seeking compensation for the death of one Riju Ali, who died in a motor vehicular accident, which occurred on 08.09.2024 near Baihata Rail Gate, under the jurisdiction of Kamalpur Police Station, was dismissed by the Motor Accident Claims Tribunal, Barpeta, under Section 166 (2) of the Motor Vehicles Act, 1988 by holding that the said Tribunal does not have jurisdiction to inquire into the said claim case.

3. Mr. S. Das, the learned counsel for the appellants submits that the Tribunal had erred in dismissing the claim petition under Section 166 (2) of the Motor Vehicles Act, 1988, dismissing the claim petition filed by the present appellants under Section 166 (2) of the Motor Vehicles Act, 1988 even without issuing notice to the respondents in the said MAC case.

4. He submits that the Motor Accident Claims Tribunal, Barpeta, in the impugned order had erroneously held that it does not have jurisdiction to inquire into the aforesaid claim case. He submits that

though the accident in question occurred within the territorial jurisdiction of Motor Accident Claims Tribunal, Kamrup, however, since the claimants, at the time of filing of the claim application, were residing at Village Burikamar under Sarthebari Police Station in Barpeta District which falls within the territorial jurisdiction of the Motor Accident Claims Tribunal, Barpeta, the claim petition could not have been dismissed by the Tribunal for want of jurisdiction.

5. He submits that in the claim application filed under Section 166 of the Motor Vehicles Act, 1988 in paragraph No. 23 (H) of the claim application, it has been categorically averred that the parental house of claimant - Ms. Mira Begum (claimant No. 1) is at Village Burikamar under Sarthebari Police Station in District of Barpeta, which falls within the jurisdiction of Motor Accident Claims Tribunal, Barpeta, and as such, he submits that the Motor Accident Claims Tribunal could not have dismissed the MAC Case No. 375/2024 for want of territorial jurisdiction.

6. He submits that since the averments made in the claim application filed by the present appellants before the Motor Accident Claims Tribunal were verified as well as supported by affidavits, the Tribunal ought to have issued notice to the respondents and only if a point of jurisdiction is raised by the respondents and an issue is framed thereon, the said question of jurisdiction ought to have been decided after affording the present appellants, the opportunity of establishing the averments made by them in paragraph No. 23 (H) of the claim petition.

7. I have considered the submissions made by the learned counsel for the appellants and have gone through the materials available on record.

8. It appears that in the cause title of the claim application filed by the present appellants under Section 166 of the Motor Vehicles Act, 1988, before the Motor Accident Claims Tribunal, though the residence of claimants was shown to be at Village Kamalpur under Kamrup district, however, they were shown to be presently residing at Village Burikamar under Sarthebari Police Station in Barpeta district also.

9. It also appears that the claimants have made an averment in paragraph No. 23 (H) of the claim application that the parental house of claimant No. 1 is at Village Burikamar under Sarthebari Police Station in Barpeta district, which is within the jurisdiction of the Motor Accident Claims Tribunal, Barpeta.

10. It appears on perusal of the orders passed in MAC Case No. 375/2024 by the Motor Accident Claims Tribunal, Barpeta, that though the said claim case was fixed for hearing on the question of jurisdiction on several dates, however, no specific direction was issued to the claimant to produce documents or witnesses in support of their contention that they were residing at Village Burikamar under Sarthebari Police Station in Barpeta district at the time of filing of the claim application.

11. Otherwise also, even if the Tribunal comes to a finding that it lacks territorial jurisdiction to entertain the claim petition, the proper course for it was to return the claim petition to the claimants, so that it could have been presented before the Tribunal having the

jurisdiction, as a question of limitation may also be involved in filing of the claim case.

12. Under such circumstances, this Court is inclined to remand the matter back to the Motor Accident Claims Tribunal, Barpeta, without issuing any notice to the other side in this appeal, for the purpose of reconsideration by the said Tribunal. Since, the claim petition has been supported by an affidavit and since the present residence of the appellants/claimants has been shown to be within the territorial jurisdiction of the Motor Accident Claims Tribunal, Barpeta, it shall issue notice to the opposite parties in the said claim case and if the opposite parties raise any objection as regards the jurisdiction of the Motor Accident Claims Tribunal, Barpeta or even otherwise, it may frame an issue in that regard and thereafter, after affording opportunity to both sides to adduce evidence on the said question and decide the same on the basis of materials available on record.

13. In view of the reasons stated in the foregoing paragraphs, the order dated 29.11.2025 passed in MAC Case No. 375/2024 by the Motor Accident Claims Tribunal, Barpeta, is hereby set aside, and the matter is remanded back to the said Tribunal to reconsider the question of its jurisdiction to entertain the claim case filed by the present appellants, in terms of the observations made in the foregoing paragraphs.

14. With the above observations, this application is disposed of.

15. The Registry shall send a copy of this order to the Motor Accident Claims Tribunal, Barpeta for compliance.

JUDGE

Comparing Assistant