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HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 1333 of 2026

Shivakant Kumhar S/o Pusau Ram Kumhar Aged About 35 Years R/o Ward No. 51, Subhash Chowk, Borsi, P.S. Padmanabhpur, Tehsil And District - Durg (C.G.)

... Petitioner(s)

versus

1 - Smt. Manisha Banjare Wd/o Late Dhanesh Banjare Aged About 29 Years Resident Of Gram - Borsi, Tehsil And District - Durg (C.G.), Presently Residing At Mandir Hasaud, P.S. Mandir Hasaud, District - Raipur (C.G.)

2 - Pratik Banjare S/o Late Dhanesh Banjare Aged About 4 Years (Minor, Represented By Thier Mother Smt. Manisha Banjare), Resident Of Gram - Borsi, Tehsil And District - Durg (C.G.), Presently Residing At Mandir Hasaud, P.S. Mandir Hasaud, District - Raipur (C.G.)

3 - Salina Banjare S/o Late Dhanesh Banjare Aged About 7 Years (Minor, Represented By Their Mother Smt. Manisha Banjare), Resident Of Gram - Borsi, Tehsil And District - Durg (C.G.), Presently Residing At Mandir Hasaud, P.S. Mandir Hasaud, District - Raipur (C.G.)

... Respondent(s)

For Petitioner(s) : Mr. Jitendra Gupta, Advocate

(Hon'ble Shri Justice Ravindra Kumar Agrawal, J.)

Order on Board

15/10/2026

1. Heard.

2. Present is a writ petition under Article 227 of the Constitution of India filed by the petitioner against the impugned order dated 09.07.2026

passed by learned Principal Motor Accident Claims Tribunal, Raipur in Claim Case No. 1098/2025, whereby the preliminary objection raised by the petitioner regarding maintainability of the claim application has been rejected.

3. Learned counsel for the petitioner would submit that the respondents are prosecuting a claim case for compensation under Section 166 of Motor Vehicles Act, 1988 before the learned Principal Motor Accident Claims Tribunal, Raipur claiming the compensation on account of death of Dhanesh Banjare, who was the husband of applicant No.1 and father of applicant No.2 and 3, who died on an unfortunate accident that occurred on 04.05.2025 when he was going towards Risali by his motorcycle, the offending vehicle tractor bearing registration No. CG-07 BK-2322 dashed him, by which he received injuries and ultimately died. Learned counsel for the petitioner would further submit that in all the documents relating to charge-sheet filed against the driver of the vehicle as well as the Aadhaar card of the applicants, their address have been shown to be resident of District - Durg, whereas in the claim application, they shown their address as resident of Mandir Hasaud, District - Raipur only to create a jurisdiction upon the Raipur Court, whereas they are actually residing at District - Durg. Therefore, the Raipur Court has no jurisdiction to proceed with the claim case filed by the respondents. The learned Claims Tribunal has rejected the objection raised by the petitioner observing that on the basis of documents submitted by the petitioner, the maintainability of the claim application at Raipur Court cannot be decided and it can be decided only after recording evidence of the parties. The impugned order

suffers from perversity as the objection raised by the petitioner have not been considered, which was based on the documentary evidence. Therefore, the same may be set aside and claim application filed by the respondents before the Raipur Court may be dismissed.

4. I have heard learned counsel for the petitioner and perused the document annexed with the petition.

5. The main grievance of the petitioner is that the respondents are resident of District - Durg, whereas only to create jurisdiction upon Raipur Court, they shown their address in the claim application as they belongs to Raipur district and filed the claim case there. From perusal of the claim application annexed with the petition as Annexure P-2, it clearly reveals that the applicants in the claim case have shown their address as “resident of Village – Borsi, Tehsil and District - Durg, Chhattisgarh, 491001, presently residing at Mandir Hasaud, Police Station - Mandir Hasaud, District - Raipur, Chhattisgarh, 492001”. Though, the petitioner raised an objection that the applicants in the claim case are the resident of Durg district based on the charge-sheet filed by the Police before the learned Chief Judicial Magistrate, Durg in which their address has been shown to be resident of District - Durg. However, in the claim application, the respondents have clearly shown their address to be resident of Mandir Hasaud, District - Raipur.

6. The sub-section (2) of Section 166 of the Motor Vehicles Act, 1988 provides the jurisdiction under which claim application is to be filed, which reads as under:

> *“(2) Every application under sub-section (1) shall be made, at the option of the claimant, either to the 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, and shall be in such form and contain such particulars as may be prescribed:*
>
> *Provided that where no claim for compensation under section 140 is made in such application, the application shall contain a separate statement to that effect immediately before the signature of the applicant."*

7. Since the claimants have shown their address to be resident of Mandir Hasaud, District - Raipur and Section 166(2) of the Act of 1988 provides that the claim application may be filed before the Claims Tribunal having jurisdiction over the area in whose jurisdiction the claimant resides, this Court does not find any perversity or jurisdictional error in rejecting the objection raised by the petitioner regarding jurisdictional issue that Raipur Court has no jurisdiction to entertain the claim application filed by the respondents.

8. Having considered the documents annexed to the writ petition and the order passed by the learned Claims Tribunal, this Court finds no ground warranting interference with the impugned order in exercise of its writ jurisdiction.

9. Accordingly, the writ petition fails and is hereby **dismissed**.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sumit