

ITEM NO.1609

COURT NO.5

SECTION XVI-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Transfer Petition(s)(Civil) No.1792/2023

PRAMOD SINHA

Petitioner(s)

VERSUS

SURESH SINGH CHAUHAN &amp; ORS.

Respondent(s)

(FOR ADMISSION and IA No.141704/2023-STAY APPLICATION and IA No.141705/2023-EXEMPTION FROM FILING O.T.)

Date : 31-07-2023 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPANKAR DATTA

For Petitioner(s) Mr. Sameer Sodhi, Adv.  
Mr. Mahesh Kumar, Adv.  
Mr. Amanpreet Singh Rahi, Adv.  
Mr. Nikhilesh Kumar, Adv.  
Mr. Sunit Kumar Toppo, Adv.  
Ms. Devika Khanna, Adv.  
Mrs. V D Khanna, Adv.  
Mr. Vmz Chambers, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

1. This transfer petition, filed under Section 25 of the Code of Civil Procedure Code, 1908, is at the instance of a defendant in a claim petition lodged before the Motor Accident Claims Tribunal (hereafter "MACT"), Farrukhabad at Fatehgarh, U.P., under Section 166 of the Motor Vehicles Act, 1988 (hereafter "the Act"). Incidentally, the petitioner happens to be the owner of the offending vehicle. He seeks transfer of the claim petition to the MACT, Darjeeling in the state of West Bengal.

2. This Court has heard learned counsel for the petitioner and perused the materials available on record.

3. The primary ground on which transfer has been sought is that the accident had taken place at Siliguri in the district of Darjeeling, West Bengal and, therefore, it would be expedient for the MACT at Darjeeling to decide the claim petition.

4. The provisions of the Act do not make it mandatory for the claimants to lodge an application for compensation under Section 166 thereof before the MACT having jurisdiction over the area where the accident occurred. On the contrary, sub-section (2) of Section 166 provides an option for the claimants to approach the MACT within the local limits of whose jurisdiction they (claimants) reside or carry on business or the defendant resides. The claimants having chosen the option to approach the MACT, Farrukhabad at Fatehgarh, U.P., a forum that law permits them to choose, no grievance can be raised by the petitioner. The contention is misconceived and, hence, stands overruled.

5. It is next urged that since all the witnesses of the petitioner are from Siliguri, language could be a barrier. The contention has been urged only to be rejected. In a country as diverse as India, it is no doubt true that people speak different languages. There are at least 22 (twenty-two) official languages. However, Hindi being the national language, it is expected of the witnesses who would be produced by the petitioner before the MACT, Fatehgarh, U.P. to communicate and convey their version in Hindi. If the contention of the petitioner is to be accepted, it is the claimants who would be seriously

prejudiced not being in a position to communicate and convey their version in Bengali.

6. No case having been set up for transfer, this Transfer Petition stands dismissed.

7. Pending application(s), if any, shall stand disposed of.

**(VIJAY KUMAR)**  
**COURT MASTER (SH)**

**(RAM SUBHAG SINGH)**  
**COURT MASTER (NSH)**