

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2015

CORAM

THE HONOURABLE MS.JUSTICE R.MALA

CRP (PD).No.1405 of 2014

and

M.P.No.1 of 2014

1.T.Muthulakshmi

2.K.Thambusamy

.. Petitioner

Vs

1.S.Santhiya

2.T.Shanmugam

3.The United India Insurance Co. Ltd.,
13-A, Nethaji Road,
Manjakuppam, Cuddalore.

.. Respondents

Prayer:Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records pertaining to M.A.C.T.O.P.No.1933 of 2012 pending on the file of the I Assistant Judge, Motor Accidents Claims Tribunal, Cuddalore and strike off the same as abuse of process of Court as well as in law.

For Petitioners : Mr.V.Karthikeyan

For Respondents : Mr.C.Prasanna Venkatesh

ORDER

This Civil Revision Petition has been filed by the parents of the deceased Saravanan to strike of M.A.C.T.O.P.No.1933 of 2012 pending on the file of the I Assistant Judge, Motor Accidents Claims Tribunal, Cuddalore.

2.The petitioners are the parents of one Saravanan who met with a road accident and died on 31.01.2012 leaving behind his parents/petitioners and his wife, namely, the first respondent herein. The petitioners and the first respondent filed M.C.O.P.No.463 of 2012 on the file of the Motor Accidents Claims Tribunal, Poonamallee. During the pendency of the same, the wife of the deceased Saravanan, namely, the first respondent herein filed M.A.C.T.O.P.No.1933 of 2012 on the file of the I Additional Judge, Motor Accidents Claims Tribunal, Cuddalore. So, the petitioners herein have come forward with this petition to strike of M.A.C.T.O.P.No.1933 of 2012 pending on the file of the I Additional Judge, Motor Accidents Claims Tribunal, Cuddalore in which these petitioners have been shown as respondents 3 and 4.

3.Heard the learned counsel for the petitioners and the learned counsel for the respondents.

4. On the death of one Saravanan in a road accident, claim petition in M.C.O.P.No.463 of 2012 has been filed by his parents/the petitioners herein on the file of the Motor Accidents Claims Tribunal, Poonamallee and the first respondent/wife. Merely because the wife of the deceased Saravanan, namely, the first respondent has filed yet another petition in M.A.C.T.O.P.No.1933 of 2012 on the file of the Motor Accidents Claims Tribunal (I Additional Judge), Cuddalore and she also got married again, it is not a case for quashing the same because the first respondent/wife has taken a stand that she has not signed the petition in M.C.O.P.No.463 of 2012 and she is residing along with her parents at Cuddalore.

5. Considering the plea raised by the first respondent/wife that she has not signed the petition in M.C.O.P.No.463 of 2012 which is pending on the file of the Motor Accidents Claims Tribunal, Poonamallee and in both the petitions viz., M.A.C.T.O.P.No.1933 of 2012 pending on the file of the Motor Accidents Claims Tribunal (I Additional Judge), Cuddalore and M.C.O.P.No.463 of 2012 pending on the file of the Motor Accidents Claims Tribunal, Poonamallee, the parties are one and the same, this Court is of the view that instead of dismissing the petition it is a fit case for ordering both the cases to be tried jointly. Therefore, both the cases viz., M.A.C.T.O.P.No.1933 of 2012 pending on the file of the Motor Accidents Claims Tribunal (I Additional Judge),

Cuddalore and M.C.O.P.No.463 of 2012 pending on the file of the Motor Accidents Claims Tribunal, Poonamallee were ordered to be withdrawn from the respective Courts and transferred to the Chief Small Causes Court, Chennai for joint trial. Accordingly, the Presiding Officer, Motor Accidents Claims Tribunal (I Additional Judge), Cuddalore and the Presiding Officer, Motor Accidents Claims Tribunal, Poonamallee were directed to transmit all the records pertaining to M.A.C.T.O.P.No.1933 of 2012 and M.C.O.P.No.463 of 2012 respectively , to the Chief Small Causes Court, Chennai for joint trial within fifteen days from the date of receipt of a copy of this order.

6.With the above direction, the Civil Revision Petition is disposed of .
No costs. Consequently, connected Miscellaneous Petition is closed.

21.12.2015

Index: Yes/No
Internet: Yes/No
cse

To

- 1.The Motor Accidents Claims Tribunal
(I Additional Judge), Cuddalore.
- 2.The Motor Accidents Claims Tribunal, Poonamallee
- 3.The Chief Small Causes Court, Chennai.

R.MALA. J.,

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