

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2015

CORAM

THE HONOURABLE THIRU JUSTICE D.HARIPARANTHAMAN

Tr.C.M.P.No.609 of 2015
M.P.No.1 of 2014

Shanmugathai

... Petitioner

v.

1.G.Natchiyar
2.G.Boopathy
3.G.Murugan
4.N.Sekar

5.The Manager

The Oriental Insurance Co. Ltd.,
No.115/16, Prakasam Salai,
Broadway, Chennai - 600 108.

... Respondents

Tr.C.M.P. filed under section 24 of C.P.C., to transfer M.C.O.P.No.449/2014 on the file of Motor Accident Claims Tribunal, Special Subordinate Judge, Thirunelveli to the file of MACT IV Judge, Small Causes Court, Chennai and to be tried along with M.A.C.T.O.P.No.1004/2014 pending before the IV Judge, Small Causes Court, Chennai.

For Petitioner : Ms.M.Malar

O R D E R

The petitioner is the mother of the deceased in a road accident. She filed M.A.C.T.O.P.No.1004/2014 on the file of Motor Accident Claims Tribunal, Chennai, while the widow of the deceased and her two sons aged 20 years and 19 years filed M.C.O.P.No.449 of 2014 on the file of Motor Accident Claims Tribunal at Thirunelveli.

2. Now, the petitioner herein, who is the mother of the deceased has filed the above Transfer C.M.P. to transfer M.C.O.P.No.449 of 2014 on the file of Motor Accident Claims Tribunal, Special Subordinate Judge, Thirunelveli to the file of IV Judge, Small Causes Court, Chennai to be tried along with M.A.C.T.O.P.No.1004 of 2014.

3. I am not inclined to allow this petition as prayed for.

4. In order to meet the ends of justice and to avoid multiplicity of proceedings, I am of the view that M.A.C.T.O.P.No.1004 of 2014 on the file of IV Judge, Small Causes Court, Chennai has to be transferred to the Motor Accident Claims Tribunal, Special Subordinate Judge, Thirunelveli to be tried along with M.C.O.P.No.449 of 2014 for the reason that the major stake-holder in Motor Accidents Claim Petition are widow and the two children of the deceased.

5. In my view no prejudice would be caused to the petitioner by transferring M.A.C.T.O.P.No.1004 of 2014 on the file of IV Judge, Small Causes Court, Chennai to the Motor Accident Claims Tribunal, Special Subordinate Judge, Thirunelveli to be tried along with M.C.O.P.No.449 of 2014, since the issue involved in respect of the petitioner is only with regard to apportionment of compensation and the other aspects are concerned to the widow and the two children.

6. Accordingly, I direct for withdrawal of M.A.C.T.O.P.No.1004 of 2014 on the file of IV Judge, Small Causes Court, Chennai and to transfer the same to the Motor Accident Claims Tribunal, Special Subordinate Judge, Thirunelveli to be tried along with M.C.O.P.No.449 of 2014

The Transfer C.M.P is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Rj

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1. The Motor Accident Claims Tribunal,
Special Subordinate Judge, Thirunelveli
2. The IV Judge,
Small Causes Court, (MACT) Chennai

vsn(co)
prk10/9

Tr.C.M.P.No.609 of 2015 &
M.P.No.1 of 2015