

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2015

CORAM

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

TR.C.M.P.Nos.572 to 590 of 2014
and
M.P.No.1 of 2014 (In all Tr.C.M.Ps')

Tr.C.M.P.No.572 of 2014

M/s.Gurusamy Nadar and Sons Maligai,
No.333, Rangai Gowder Street,
Coimbatore - 641 001. ...Petitioner/Respondent

Vs.

1. M.Alagappan
2. E.Prakash
3. The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
12, Ramakrishna Road,
Salem - 636 045.
4. United India Insurance Company Ltd.,
Rep by its Manager,
BO-IV, 1940-B,
Trichy Road,
Ramanathapuram (Post)
Coimbatore. ...Respondents/Respondents

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code praying to withdraw the M.C.O.P.No.80 of 2013 on the file of the Motor Accident Claim Tribunal/District Court Erode and transfer the same to any one of the Courts in Erode to try all the MCOP together.

Tr.C.M.P.No.573 of 2014

GURUSAMY NADAR AND SONS MALIGAI
NO.333 RANGAI GOWDER ST
COIMBATORE.

...PETITIONER/RESPONDENT

Vs

1 M.ISWARYA ...RESPONDENT/PETITIONER
2 E.PRAKASH

3 THE MANAGING DIRECTOR
TAMIL NADU STATE TRANSPORT CORPN LTD
12 RAMAKRISHNA ROAD SALEM.

4 UNITED INDIA INSURANCE COMPANY LTD
REP BY ITS MANAGER TRICHY ROAD
RAMANATHAPURAM POST
COIMBATORE. ...RESPONDENTS/RESPONDENTS

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code praying to withdraw the MCOP No.111 of 2013 on the file of the MACT/ II Addl Sub Court Erode and transfer the same to any one of the courts in Erode and transfer the same to any one of the courts in Erode to try all the MCOP together.

Tr.C.M.P.No.574 of 2014

GURUSAMY NADAR AND SONS MALIGAI
NO.333 RANGAI GOWDER ST
COIMBATORE. ...PETITIONER/RESPONDENT

-Vs-

1 KALAIVANI ...RESPONDENT/PETITIONER

2 UNITED INDIA INSURANCE COMPANY LTD
REP BY ITS MANAGER
BO IV 1940-B TRICHY ROAD
RAMANATHAPURAM COIMBATORE.

3 THE MANAGING DIRECTOR
TAMILNADU STATE TRANSPORT CORPN LTD
12 RAMAKRISHNA ROAD
SALEM ...RESPONDENTS/RESPONDENTS

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code praying to withdraw the MCOP NO.123 of 2013 on the file of the MACT of Sub Court Bhavani and transfer the same to any one of the courts in Erode to try all the MCOP together.

Tr.C.M.P.No.575 of 2014

G.VIJAYAKUMAR BABU
S/O GURUSAMY NADAR
GURUSAMY NADAR AND SONS MALIGAI
NO.333 RANGAI GOWDER STREET
COIMBATORE-641 001.

...PETITIONER/RESPONDENT

Vs

1 NATARAJ

2 UNITED INDIA INSURANCE COMPANY LTD
REP BY ITS MANAGER
BO IV 1940 B TRICHY ROAD
RAMANATHAPUYRAM COIMBATORE.

3 THE MANGING DIRECTOR
TAMIL NADU STATE TRANSPORT CORPN LTD
12 RAMAKRTISHNA ROAD
SALEM.

...RESPONDENT/RESPONDENTS 2 & 3

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code praying to withdraw the MCOP NO.125 of 2013 on the file of the MACT Sub Court Bhavani transfer the same to any one of the courts in Erode to try all the MCOP together.

Tr.C.M.P.No.576 of 2014

GURUSAMY NADAR AND SONS MALIGAI
NO.333 RANGAI GOWDER STREET
COIMBATORE.

...PETITIONER/RESPONDENT

Vs

1 K.SURESH

...RESPONDENT/PETITIONER

2 UNITED INDIA INSURANCE COMPANY LTD
REP BY ITS MANAGER
BO IV 1940-B TRICHY ROAD
RAMANATHAPURAM
COIMBATORE.

...RESPONDENT/RESPONDENT 2

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code praying to withdraw the MCOP No.152 of 2013 on the file of the MACT/Sub Court sathyamangalam and transfer the same to any one of the courts in Erode to try all the MCOP together.

Tr.C.M.P.No.577 of 2014

GURUSAMY NADAR AND SONS MALIGAI
NO.333 RANGAI GOWDER STREET
COIMBATORE.

...PETITIONER/RESPONDENT

Vs

1 S.VANITHA

2 MONISHA

3 VETRI VENDHAN

4 MINOR BRIYADHARSHII

5 MINOR BRIYANGA

Minor Respondents 4 & 5

Rep.by Next Friend and
mother Vanitha,

the 1st Respondent herein ...RESPONDENTS/PETITIONERS

6 UNITED INDIA INSURANCE COMPANY LTD

REP BY ITS MANGER

BO IV 1940-B TRICHY ROAD
RAMANATHAPURAM COIMBATORE.

7 E.PRAKASH

8 THE MANAGING DIRECTOR

TAMILNADU STATE TRANSPORT CORPN LTD

12 RAMAKRISHNA ROAD

SALEM.

...RESPONDENTS/RESPONDENTS 6 TO 8

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code praying to withdraw the MCOP No.158 of 2013 on the file on the file of the MACT/Sub Court Bhavani and transfer the same to any one of the courts in Erode to try all the MCOP.

Tr.C.M.P.No.578 of 2014

G.VIJAYAKUMAR BABU

...PETITIONER/RESPONDENT

Vs

1 RAJAMANI

2 UNITED INDIA INSURANCE COMPANY LTD
REP BY ITS MANAGER
BO IV 1940-B TRICHY ROAD
RAMANATHAPURAM COIMBATORE.

3 THE MANAGING DIRECTOR
TAMILNADU STATE TRANSPORT CORPON LTD
12 RAMAKRISHNA ROAD
SALEM.

...RESPONDENTS/RESPONDENTS

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code praying to withdraw the MCOP NO.165 of 2013 on the file of the MACT Sub Court Bhavani and transfer the same to anyone of the courts in Erode to try all the MCOP together.

Tr.C.M.P.No.579 of 2014

G.VIJAYAKUMAR BABU

...PETITIONER/RESPONDENT

Vs

1 SELLAPERUMAL

2 UNITED INDIA INSURANCE COMPANY LTD
REP BY ITS MANAGER
BO IV 1940-B TRICHY ROAD
RAMANATHAPURAM COIMBATORE.

3 THE MANAGING DIRECTOR
TAMILNADU STATE TRANSPORT CORPON LTD
12 RAMAKRISHNA ROAD
SALEM.

...RESPONDENTS/RESPONDENTS 2 & 3

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code praying to withdraw the MCOP NO.166 of 2013 on the file of the MACT Sub Court Bhavani and transfer the same to anyone of the courts in Erode to try all the MCOP together.

Tr.C.M.P.No.580 of 2014

GURUSAMY NADAR AND SONS MAALIGAI
NO.333 RANGAI GOWDER STREET,
COIMBATORE.

...PETITIONER/RESPONDENT

Vs

1 NEELAVATHI

2 AYYANAR

3 POONGODI

4 PUSHPA

5 UNITED INDIA INSURANCE COMPANY LTD
REP BY ITS MANGER
BO IV 1940-B TRICHY ROAD
RAMANATHAPURAM COIMBATORE.

6 THE MANAGING DIRECTOR
TAMILNADU STATE TRANSPORT CORPN LTD
12 RAMAKRSIHAN ROAD
SALEM.

...RESPONDENTS/RESPONDENTS

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code praying to withdraw the MCOP No.171 of 2013 on the file of the MACT Sub Court Bhavani and transfer the same to any one of the courts in Erode to try all the MCOP together.

Tr.C.M.P.No.581 of 2014

G.VIJAYAKUMAR BABU

...PETITIONER/RESPONDENT

Vs

1 KULANDAYAN

2 VELLACHI

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3 UNITED INDIA INSURANCE COMPANY LTD
REP BY ITS MANAGER
BO-IV 1940-B TRICHY ROAD
RAMANATHAPURAM
COIMBATORE.

...RESPONDENTS/RESPONDENTS

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code praying to withdraw MCOP NO.197 of 2013 on the file of the MACT/II Addl Dist Judge Tirupur and transfer the same to any one of the courts in Erode to try all the MCOP together.

Tr.C.M.P.No.582 of 2014

GURUSAMY NADAR AND SONS MAALIGAI
NO.333 RANGAI GOWDER STREET,
COIMBATORE.

...PETITIONER/RESPONDENT

Vs

1 A.VENKATACHALAM

2 UNITED INDIS INSURANCE COMPANY LTD
REP BY ITS MANAGER
BO IV 1940-B TRICHY ROAD
RAMANATHAPURAM COIMBATORE.

3 THE MANAGING DIRECTOR
TAMILNADU STATE TRANSPORT CORPN LTD
12 RAMAKRISHNA ROAD
SALEM.

...RESPONDENTS/RESPONDENTS

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code praying to withdraw the MCOP NO.228 of 2013 on the fiel of the MACT/Chief Judicial Magistrte Court Dharmapuri and transfer the same to any one of the courts in Erode to try all the MCOP together.

Tr.C.M.P.No.583 of 2014

G.VIJAYAKUMAR BABU

...PETITIONER/RESPONDENT 1

Vs

1 K.SATHIYA

2 UNITED INDIA INSURANCE COMPANY LTD
REP BY ITS MANAGER
BO IV 1940-B TRICHY ROAD
RAMANATHAPURAM COIMBATORE.

3 E.PRAKASH

4 THE MANAGING DIRECTOR
TAMILNADU STATE TRANSPORT CORPN LTD
12 RAMAKRISHNA ROAD
SALEM. ...RESPONDENTS/RESPONDENTS 2 TO 4

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code praying to withdraw the MCOP NO.334 of 2013 on the file of the MACT of Sub Court Bhavani and transfer the same to anyone of the courts in Erode to try all the MCOP together

Tr.C.M.P.No.584 of 2014

G.VIJAYAKUMAR BABUPETITIONER/RESPONDENT 1

Vs

1 K.CHELLAMMAL

2 UNITED INDIA INSURANCE COMPANY LTD
REP BY ITS MANAGER
BO IV 1940-B TRICHY ROAD
RAMANATHAPURAM COIMBATORE.

3 E.PRAKASH

4 THE MANAGING DIRECTOR
TAMILNADU STATE TRANSPORT CORPN LTD
12 RAMAKRISHNA ROAD
SALEM. ...RESPONDENTS/RESPONDENTS 2 & 4

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code praying to withdraw the MCOP NO.335 of 2013 on the file of the MACT Sub Court Bhavani and transfer the same to any one of the courts in Erode to try all the MCOP together.

Tr.C.M.P.No.585 of 2014

GURUSAMY NADAR AND SONS MALIGAI
NO.333 RANGAI GOWDER STREET,
COIMBATORE.

...PETITIONER/RESPONDENT

Vs

1 MINOR K.KAVIYA
REP BY NEXT FRIEND FATHER KUMAR

2 UNITED INDIA INSURANCE COMPANY LTD
REP BY ITS MANAGER
BO IV 1940-B TRICHY ROAD
RAMANATHAPURAM COIMBATORE

4 THE MANAGING DIRECTOR
TAMIL NADU STATE TRANSPORT CORPN LTD
12 RAMAKRISHNA ROAD
SALEM.

...RESPONDENTS/RESPONDENTS 2 & 3

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code praying to withdraw the MCOP NO.339 of 2013 on the file of the MACT Sub Court Bhavani and transfer the same to any one of the courts in Erode to try all the MCOP together.

Tr.C.M.P.No.586 of 2014

G.VIJAYAKUMAR BABU

...PETITIONER/RESPONDENT

Vs

1 RANGASAMY

2 ELAMATHI

3 VIJAYALAXMI

4 E.PRAKASH

5 UNITED INDIA INSURANCE COMPANY LTD
REP BY ITS MANGER
BO IV 1940-B TRICHY ROAD
RAMANATHAPURAM COIMBATORE

6 THE MANAGING DIRECTOR
TAMILNADU STATE TRANSPORT CORPN LTD
12 RAMAKRISHNA ROAD
SALEM.

...RESPONDENTS/RESPONDENTS

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code praying to withdraw the MCOP NO.457 of 2013 on the file of MACT Sub Court Bhavani and transfer the same to any one of the courts in Erode to try all the MCOP together.

Tr.C.M.P.No.587 of 2014

GURUSAMY NADAR AND SONS MALIGAI
NO.333 RANGAI GOWDER STREET
COIMBATORE.

...PETITIONER/RESPONDENT

Vs

1 S.SARAVANAN

2 UNITED INDIA INSURANCE COMPANY LTD
REP BY ITS MANGER
BO IV 1940-B TRICHY ROAD
RAMANATHAPURAM COIMBATORE.

3 THE MANAGING DIRECTOR
TAMILNADU STATE TRANSPORT CORPN LTD
12 RAMAKRISHNA ROAD
SALEM.

...RESPONDENTS/RESPONDENTS 2 & 3

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code praying to withdraw the MCOPNO.480 of 2013 on the file of MACT /Spl District Court Salem and transfer the same to any one of the courts in Erode to try all the MCOP together.

Tr.C.M.P.No.588 of 2014

GURUSAMY NADAR AND SONS MALIGAI
NO.333 RANGAI GOWDER STREET,
COIMBATORE.

...PETITIONER/RESPONDENT

Vs

1 A.KARTHICK

2 S.SENTHIL KUMAR

3 UNITED INDIA INSURANCE COMPANY
LTD RESP BY ITS MANGER BO-IV 1940-B
TRICHY ROAD RAMANATHAPURAM
COIMBATORE

4 E.PRAKASH

5 THE MANAGING DIRECTOR
TAMILNADU STATE TRANSPORT CORPN LTD
12 RAMAKRISHNA RD
SALEM.

...RESPONDENTS/RESPONDENTS

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code praying to withdraw the MCOP No.509 of 2013 on the file fo the MACT Sub Court Bhavani and transfer the same to any one of the courts in ERode to try all the MCOP together

Tr.C.M.P.No.589 of 2014

G.VIJAYAKUMAR BABU

...PETITIONER/RESPONDENT

Vs

1 ANNAMALAI

2 SAKTHIVEL

...RESPONDENTS/PETITIONERS

3 M/S UNITED INDIA INSURANCE COMPANY LTD
SRI RANGA COMPLEX
104 A PAERAMANUR MAIN ROAD
SALEM.

...RESPONDENT/RESPONDENT

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code praying to withdraw the MCOPNO.575 of 2013 on the file of the MACT/District Court Salem and transfer the same to any of the courts in Erode to try all the MCOP together.

Tr.C.M.P.No.590 of 2014

G.VIJAYAKUMAR BABU

...PETITIONER/RESPONDENT

Vs

- 1 KALAIVANI
- 2 UNITED INDIA INSURANCE COMPANY LTD
REP BY ITS MANAGER
BO IV 1940 B TRICHY ROAD
RAMANATHAPURAM COIMBATORE.
- 3 S.SENTHILKUAR
- 4 E.PRAKASH
- 5 THE MANGING DIRECTOR
TAMILANDU STATE TRANSPORT CORPN LTD
12 RAMAKRISHNA ROAD
SALEM.RESPONDENTS/RESPONDENT 2 TO 5

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code praying to withdraw the MCOP NO.723 of 2013 on the file of the MACT/II Addl Dist Court Tiruppur and transfer the same to any one of the courts in Erode to try all the MCOP together.

For Petitioner : Mr.A.Thiyagarajan
in all TR CMP

For Respondents : No Appearance for R1 & R2
Mr.S.V.Vasanthakumar for R3
Mr.T.Ravichandran for R4
in Tr CMP 572 & 573 of 2014

Tr CMP No. 574 of 2014

For Respondent 1 : No Appearance

For Respondent 2 : Mr.T.Ravichandran

For Respondent 3 : S.V. Vasantha Kumar

Tr CMP No. 575 of 2014

For Respondent 1 : Mr.C.Kulandaivel

For Respondent 2 : Mr.T.Ravichandran

For Respondent 3 : Mrs.V.Vasanthakumar

For Respondent 4 : No Appearance

Tr CMP No. 576 of 2014

For Respondent 2 : Mr.T.Ravichandran

Tr CMP No. 577 of 2014

For Respondent 1 - 5: Mr.Ma.P. Thangavel

For Respondent 6 : Mr.T.Ravichandran

For Respondent 7 : No Appearance

For Respondent 8 : Mr.S.V.Vasanthakumar

Tr CMP No.578 of 2014

For Respondent 1 : No Appearance

For Respondent 2 : Mr.T.Ravichandran

For Respective 3 : Mr.S.V.Vasanthakumar

Tr CMP No. 579 of 2014

For Respondent 1 : No Appearance

For Respondent 2 : Mr.T.Ravichandran

For Respondent 3 : Mr.S.V.Vasanthakumar

Tr CMP No. 580 of 2014

For Respondent 1 - 4: Mr.C.Kulandaivel

For Respondent 5 : Mr.T.Ravichandran

For Respondent 6 : Mr.S.V.Vasanthakumar

Tr CMP No. 581 of 2014

For Respondent 1 & 2: No Appearance

For Respondent 3 : Mr.T.Ravichandran

Tr CMP No. 582 of 2014

For Respondent 1 : Mr.P.Valliappan

For Respondent 2 : Mr.T.Ravichandran

For Respondent 3 : Mr.S.V.Vasanthakumar

Tr CMP No.583 of 2014

For Respondent 1 : Mr.Ma.P. Thangavel

For Respondent 2 : Mr.T.Ravichandran

For Respondent 3 : No Appearance

Tr CMP No. 584 of 2014

For Respondent 1 : Mr.Ma.P.Thangavel

For Respondent 2 : Mr.T.Ravichandran

For Respondent 3 : No Appearance

Tr CMP No. 585 of 2014

For Respondent 1 : Mr.Ma.P.Thangavel

For Respondent 2 : Mr.T.Ravichandran

For Respondent 3 : Mr.S.V.Vasanthakumar

Tr CMP No. 586 of 2014

For Respondent 1 - 3: Mr.C.Munusamy

For Respondent 4 : No Appearance

For Respondent 5 : Mr.T.Ravichandran

For Respondent 6 : Mr.S.V.Vasanthakumar

Tr CMP No. 587 of 2014

For Respondent : No Appearance
For Respondent 2 : Mr.T.Ravichandran
For Respondent 3 : Mr.S.V.Vasanthakumar

Tr CMP No. 588 of 2014

For Respondent : Mr.N.Manoharan
For Respondent 2 : Died
For Respondent 3 : Mr.T.Ravichandran
For Respondent 5 : Mr.S.V.Vasanthakumar
For Respondent 4 : No Appearance

Tr CMP No. 589 of 2014

For Respondent 3 : Died
For Respondent 4 : No Appearance
For Respondent 5 : Mr.S.V.Vasanthakumar

Tr CMP No. 590 of 2014

For Respondent 1 : Mr.A.K.Kumaraswamy
For Respondent 2 : Mr.T.Ravichandran

COMMON ORDER

These Civil Miscellaneous Petitions are filed seeking to transfer the M.C.O.P cases pending in different Courts. But, those cases arise out of one and same accident. The accident occurred due to the collusion of one Eicher Van with the Bus owned by the Transport Corporation. These applications are filed by the owner of the said Eicher Van. The Eicher Van was insured with the United India Insurance Company Limited. Both the counsel for the Insurance Company and the Transport Corporation, state that the cases could be tried at the respective Courts, as the same is convenient to the parties.

Further, it is stated that since the liability is either on the Insurance Company or on the Transport Corporation or on both, the owner of the vehicle could not have any grievance. In view of the statement made by both the learned counsel, these Transfer Miscellaneous Petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

vsm

To

1. The Motor Accident Claim Tribunal/
District Court,
Erode.
2. The Motor Accident Claim Tribunal,
(II Additional Sub Court)
Erode.
3. The Motor Accident Claim Tribunal,
(Sub Court)
Bhavani.
4. The Motor Accident Claim Tribunal,
(Sub Court),
Sathyamangalam.
5. The Motor Accident Claim Tribunal,
(II Additional District Court)
Tiruppur.
6. The Motor Accident Claim Tribunal,
(Chief Judicial Magistrate),
Dharmapuri.
7. The Motor Accident Claim Tribunal,
(District Court)
Salem.

19 CCs to Mr.S.V. Vasanthakumar, Advocate SR.No. 49421 to 49434

1 CC to Mr.T.Ravichandran, Advocate SR.No. 48685

20 CCs to Mr.A.Thiagarajan, Advocate SR.No. 48964

1 CC to Mr.C.Kulanthaivel, Advocate SR.No. 48556

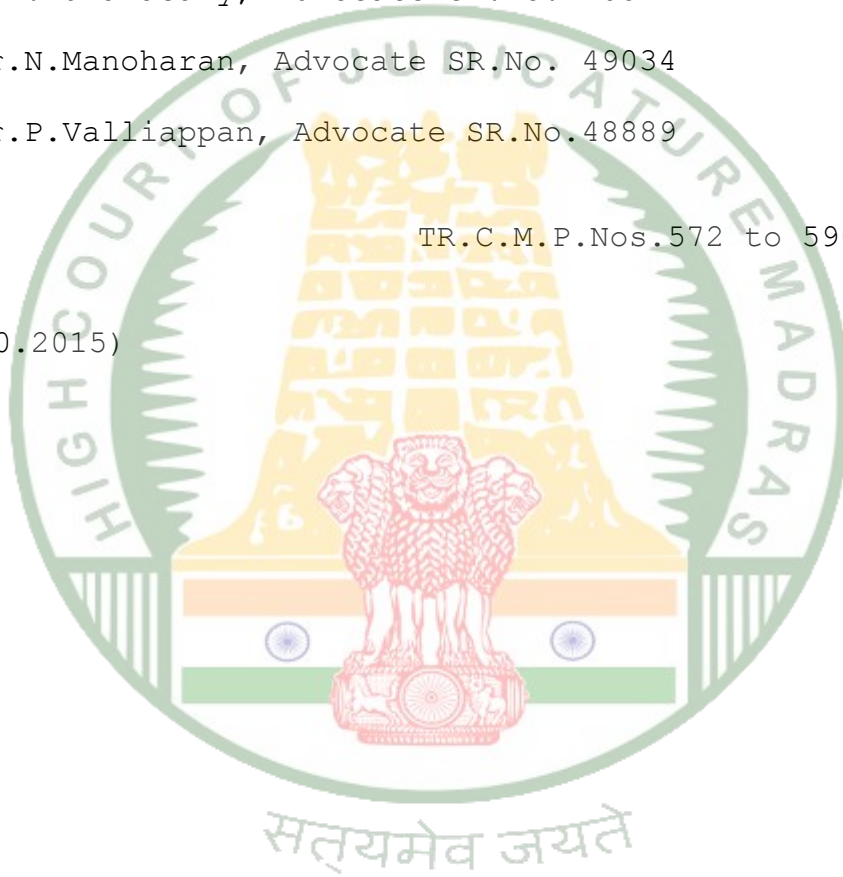
1 CC to A.K.Kumarasamy, Advocate SR.No. 48571

1 CC to Mr.N.Manoharan, Advocate SR.No. 49034

1 CC to Mr.P.Valliappan, Advocate SR.No.48889

TR.C.M.P.Nos.572 to 590 of 2014

MG (CO)
PSI (27.10.2015)



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