



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.06.2015

CORAM

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.266 of 2014

and

M.P(MD)No.1 of 2014

Mariammal

... Petitioner

Vs.

1.Veeralakshmi

2.Cholamandalam MS General Insurance Company,
Through its Branch Manager,
2nd Floor, Dare House,
No.2, NSC Bose Road,
Chennai-600 001.

3.Samuthirapandi

4.Lalitha

... Respondents

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw and transfer M.C.O.P.No.121 of 2014 on the file of the Motor Accident Claims Tribunal (Principal Sub Court), Tenkasi, to Motor Accidents Claims Tribunal (2nd Additional District Judge), Tirunelveli and to be tried along with M.C.O.P.No.1229 of 2013 on the file of the Motor Accidents Claims Tribunal (2nd Additional District Judge), Tirunelveli.

For Petitioner : Mr.T.Selvakumaran

For R1 : No appearance

For R2 : Mr.S.Srinivasa Raghavan

For R3 & R4 : Mr.D.Srinivasa Ragavan

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer M.C.O.P.No.121 of 2014 on the file of the Motor Accident Claims Tribunal (Principal Sub Court), Tenkasi, to Motor Accidents Claims Tribunal (2nd Additional District Judge), Tirunelveli and to be tried along with M.C.O.P.No.1229 of 2013 on the file of the Motor Accidents Claims Tribunal (2nd Additional District Judge), Tirunelveli.

2.The petitioner is the wife of the deceased Alex. The respondents 3 and 4 are the parents of the deceased Alex. The petitioner filed M.C.O.P.No.1229 of 2013 before the Motor Accident Claims Tribunal (II Additional District Judge), Tirunelveli claiming a sum of Rs.30,00,000/- as compensation for the death of her husband in an accident took place on 28.08.2013. While so, the respondents 3 and 4 filed another claim petition in M.C.O.P.No.121 of 2014 before the Motor Accident Claims Tribunal (Principal Sub Court), Tenkasi claiming a sum of Rs.50,00,000/- as compensation for the death of the same person. According to the petitioner, M.C.O.P. No.1229 of 2013 filed by her is posted for trial.



3. From the pleadings, it is seen that both claim petitions are filed claiming compensation for the death of the same person I.e., the husband of the petitioner and the son of the respondents 3 & 4. The respondents 3 & 4 have stated that the petitioner is residing at Karisalur, Pethanadarpuram, Alangulam Taluk within the jurisdiction of Tenkasi. Therefore, it will be convenient for the petitioner to appear before the principal Sub Court, Tenkasi. There is no necessity for filing a claim petition before Motor Accident Tribunal, Tirunelveli. The respondents 3 & 4 are the aged persons and it will be difficult for them to travel from Tenkasi to Tirunelveli for each and every hearing.

4. Heard the learned counsel of the petitioner and the respondents.

5. In view of the submissions made by the learned counsel for the petitioner that the parties and subject matter of the issue is one and the same and to avoid conflicting decisions and in the interest of justice, both M.C.O.P.no.121 of 2014 and M.C.O.P.No.1229 of 2013 to be tried together in the same Court.

6. Considering the facts and circumstances of the case and also considering the age of the respondents 3 and 4 and interest of justice and convenience sake, M.C.O.P.No.1229 of 2014 pending on the file of the Motor Accident Claims Tribunal (II Additional District Judge), Tirunelveli, is hereby withdrawn and transferred to the file of the Motor Accident Claims Tribunal (Principal Sub Court), Tenkasi to be tried along with M.C.O.P.No.121 of 2014 filed by the respondents 3 & 4. The learned Motor Accident Claims Tribunal (II Additional District Judge), Tirunelveli, is directed to send the case bundles to the Motor Accident Claims Tribunal (Principal Sub Court), Tenkasi, immediately. The Registry is also directed to send back the papers that are pending before the Registry.

7. With the above direction, Tr.C.M.P., is disposed of. No costs. Consequently, M.P(MD)No.1 of 2014 is closed.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. The II Additional District Judge,
Motor Accident Claims Tribunal, Tirunelveli.

2. The Principal Subordinate Judge,
Motor Accident Claims Tribunal, Tenkasi, Tirunelveli.

+1CC TO MR.T.SELVAKUMARAN, ADVOCATE IN SR.NO. 30136

+1CC TO MR.S.SRINIVASA RAGHAVAN, ADVOCATE IN SR.NO. 30876

+1CC TO MR.D.SRINIVASA RAGHAVAN, ADVOCATE IN SR.NO. 29891

Am

SR/KBM : 07.07.2015 : 2p/6c