

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER C.M.P.No.729 of 2014

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw O.P.No.2965 of 2013 from the file of the Motor Accident Claims Tribunal cum II Additional Chief Judge, City Civil Court, Hyderabad, and transfer the same to the Court of Chairman, Motor Accident Claims Tribunal cum I Additional District Court, at Khammam.

2. Heard both counsels and perused the material available on record.

3. The petitioners 1 to 5 herein filed M.T.O.P.No.442 of 2014 on the file of the Motor Accident Claims Tribunal (Principal District Judge at Khammam) now on the file of the I Additional District Court, Khammam, claiming compensation of Rs.10,00,000/- for the death of Babu Rao in a motor vehicle accident that occurred on 25.07.2013. The respondents No.1 to 5 herein filed O.P.No.2965 of 2013 on the file of Chairman, Motor Accidents Claims Tribunal cum II Additional Chief Judge, City Civil Court, Hyderabad, claiming compensation of Rs.18,00,000/- for the death of Babu Rao in a motor vehicle accident that occurred on 25.07.2013. A perusal of the record clearly reveals that O.P.No.2965 of 2013 and M.T.O.P.No.442 of 2014 were filed claiming compensation for the death of Babu Rao. The petitioners in both the cases claiming compensation as if they are the legal representatives and dependants on the income of late Babu Rao. A perusal of the record further reveals that the petitioners in O.P.No.2965 of 2013 are permanent residents of Manuguru of Khammam District. O.P.No.2965 of 2013 is filed in Hyderabad on the ground that the petitioners therein are temporarily residing in Hyderabad. The learned counsel for the petitioners submitted that the petitioners herein have

filed implead petition in M.T.O.P.No.442 of 2014 to implead the respondents 1 to 5 as respondents in the said O.P. He further submitted that out of the same accident, three more M.V.O.Ps are also pending at different Courts in Khammam. In order to prove the claim, the respondents herein have to examine the persons who belong to Khammam District. This court is not inclined to express any opinion touching the merits of main case in view of scope of transfer petition. If two Tribunals are allowed to conduct separate trial in two OPs, there is every possibility of conflicting of judgments.

4. In order to avoid conflicting of judgments and also in the interest of both parties, this Court is of the considered view that it is a fit case to allow the petition.

5. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. O.P.No.2965 of 2013 is withdrawn from the file of the Motor Accident Claims Tribunal cum II Additional Chief Judge, City Civil Court, Hyderabad, and transferred to the file of Chairman, Motor Accident Claims Tribunal cum I Additional District Court, Khammam, for disposal in accordance with law. As a sequel, miscellaneous petitions, if any, pending in this transfer petition shall stand closed.

T.SUNIL CHOWDARY, J

02.09.2015.

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