

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

TRANSFER C.M.P.No.426 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw M.V.O.P.No.627 of 2010 from the file of the Chairman, Motor Accidents Claims Tribunal-cum-Principal District Court, Kurnool and transfer the same to file of the Chairman, Motor Accidents Claims Tribunal-cum-Principal District Court, Kadapa.

2. In spite of service of notice, the respondents did not choose to appear and oppose the transfer petition. Heard the learned counsel for the petitioner and perused the material available on record.

3. Learned counsel for the petitioner submitted that the petitioner herein filed M.V.O.P. No.627 of 2010 on the file of Chairman, Motor Accidents Claims Tribunal-cum-Principal District Court, Kurnool, claiming compensation of Rs.5,00,000/-. He further submitted that the trial has not commenced in the M.V.O.P. In view of the submissions made by the learned counsel for the petitioner, I am proceeding to decide the matter on merits.

4. A perusal of the record reveals that the petitioner is permanent resident of Kadapa. Since the accident occurred in Kurnool, the petitioner filed M.V.O.P. before the Tribunal at Kurnool. Due to the injuries sustained in the accident, the petitioner's left leg was amputated above the knee. In such circumstances, the petitioner may face much difficulty to attend the Tribunal at Kurnool. The first respondent is also permanent resident of Kadapa District. The second respondent being General Insurance Company may have Branches through out the State.

Even if the petition is transferred from Kurnool to Kadapa, it may not cause any prejudice to the respondents. If the petition is not allowed, the petitioner may face much difficulty. While disposing of the petitions of this nature, the court has to take into consideration the ground realities and the hardship likely to be caused to the parties to the proceedings. Hence, I am of the considered view that it is a fit case to allow the petition.

5. In the result, the transfer petition is allowed. M.V.O.P. No.627 of 2010 is withdrawn from the file of the Chairman, Motor Accidents Claims Tribunal-cum-Principal District Court, Kurnool and transferred to the file of the Chairman, Motor Accidents Claims Tribunal-cum-Principal District Court, Kadapa, for disposal in accordance with law. Miscellaneous petitions, if any, pending in this transfer petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 18.9.2015.

YS