

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

-
Tr.C.M.P.No.582 of 2015

ORDER:

This petition is filed under Section 24 C.P.C., to withdraw M.V.O.P.No.425 of 2012 from the file of Motor Accidents Claims Tribunal-cum-1st Additional District Judge, Krishna at Machilipatnam and transfer the same to the file of Motor Accidents Claims Tribunal-cum-XI Additional District Judge, Gudivada, Krishna District.

2. Heard learned counsel for both parties and perused the material available on record.

3. The petitioners filed M.V.O.P.No.425 of 2012 on the file of Motor Accidents Claims Tribunal-cum-1st Additional District Judge, Krishna at Machilipatnam claiming compensation. Petitioners also filed Tr.O.P.No.197 of 2013 on the file of Principal District Judge, Krishna at Machilipatnam seeking transfer of M.V.O.P.No.425 of 2012 from 1st Additional District Court, Krishna at Machilipatnam to XI Additional District Court, Gudivada, Krishna District and the same was dismissed on 10.09.2015.

4. A perusal of the record reveals that by the time of filing of the petition, the petitioners are residing in Machilipatnam. A perusal of the record further reveals that the petitioners have shifted their residence from Machilipatnam to Gudivada. The 1st petitioner has been working as teacher. Almost all the petitioners have been residing in Gudivada. It may not be possible for the petitioners to prosecute the matter at Machilipatnam. Even if the petition is allowed, the same may not cause any prejudice to the respondent. While disposing the petitions of this nature, the approach of the Court shall be pragmatic but not pedantic. The petitioners have made out grounds muchless valid grounds for allowing of the petition.

5. Having regard to the facts and circumstances of the case I am of the considered view that the relief sought by the petitioners deserves to be allowed.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. M.V.O.P.No.425 of 2012 is withdrawn from the file of Motor Accidents Claims Tribunal-cum-1st Additional District Judge, Krishna at Machilipatnam and transferred to the file of Motor Accidents Claims Tribunal-cum-XI Additional District Judge, Gudivada, Krishna District for disposal in accordance with law.

Miscellaneous petitions, if any, pending in this petition shall stand closed. There shall be no order as to costs.

T.SUNIL CHOWDARY, J

OCTOBER 30, 2015
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THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

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Dt: 30.10.2015

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