

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

TR CMP NOS.849, 850, 851, 852, 853, 854, 855
856, 857, 858, 859 AND 860 OF 2014

AND

M.P.NOS.1 TO 1 OF 2014

Srimani Devi Petitioner in all
Tr.CMPs/Petitioner

Versus

B.JayakumarR1 in Tr.CMP.849 of 2014

Jagadeesh R1 in Tr.CMP.851 of 2014

B.C.Ragavendiran R1 in Tr.CMP.852 of 2014

J.Maragathavalli R1 in Tr.CMP.853 of 2014

V.Kavin R1 in Tr.CMP.854 of 2014

N.Karthikeyan R1 in Tr.CMP.855 of 2014

Indhrani R1 in Tr.CMP.856 of 2014

D.Domi Shantha Priya R1 in Tr.CMP.857 of 2014

Mary Varitha R1 in Tr.CMP.858 of 2014

V.Sridhar R1 in Tr.CMP.859 of 2014

M.Sangareshwari R1 in Tr.CMP.860 of 2014

ManikandanR2 in Tr.CMP.849 of 2014,
R1 in Tr.CMP.850 of 2014 &
R2 in Tr.CMPs.853 & 860 of 2014

Balaji @ Praveen KumarR2 in Tr.CMPs.850, 851,
854 & 858 of 2014

Selladurai

Bharath R2 & R3 in Tr.CMP.856 of 2014

Reliance General Insurance
Company (P) Ltd.,
Having office at 1st Floor,
Gee Jay Areade
141/71, Thiruvengkatasamy Road West,
R.S.Puram, Coimbatore - 641 002.

...R3 in Tr.CMP.849 to 851, 853,
854, 858, 859 & 860 of 2014,
R2 in Tr.CMP.852, 855, 857 & 859
of 2014 & R4 in Tr.CMP.856 of 2014,

PRAYER IN TR.CMP NO.849/2014: Petition filed under Section 24 of the Civil Procedure Code with a prayer to withdraw the M.C.O.P.No.492 of 2012, 1303 of 2012, 1335 of 2012, 1173 of 2011, 1462 of 2012, 35 of 2013, 1246 of 2011, 624 of 2012, 36 of 2013, 112 of 2014, 1242 of 2011 & 393 of 2014 respectively on the file of the District Judge, Motor Accident Claim Tribunal, Coimbatore in Tr.CMP.Nos.849 to 851 of 2014; on the file of the Subordinate Judge, Motor Accident Claim Tribunal, Tiruppur in Tr.CMP.No.852 of 2014; on the file of the District Judge, Motor Accident Claim Tribunal, Coimbatore in Tr.CMP.No.853 of 2014; on the file of the Subordinate Judge, Motor Accident Claim Tribunal, Coimbatore in Tr.CMP.No.854 of 2014; on the file of the Subordinate Judge, Motor Accident Claim Tribunal, Tiruppur in Tr.CMP.No.855 of 2014; on the file of the District Judge, Motor Accident Claim Tribunal, Salem in Tr.CMP.No.856 of 2014; on the file of the District Judge, Motor Accident Claim Tribunal, Tirunelveli in Tr.CMP.No.857 of 2014; on the file of the Sub Court, Pollachi in Tr.CMP.No.858 of 2014; on the file of the Subordinate Judge, Tiruppur in Tr.CMP.No.859 of 2014; on the file of the Motor Accident Claims Tribunal, Coimbatore in Tr.CMP.No.860 of 2014 respectively and transfer the same in any of the Courts as this Court deems fit and proper and to try all the M.C.O.P.Nos. Together.

For Petitioner in all Tr.CMPs : Mr.S.Rajmakesh

For R1 in Tr.CMP.854 of 2014 : M/s.V.S.Usha Rani

For R1 & R2 in Tr.CMP.856 of 2014 : Mr.K.S.Karthik Raja

COMMON ORDER

These transfer petitions are filed by the erstwhile owner of the vehicle bearing Registration No.KA20-A-6604 which was involved in an accident near Kunnathur Mahaliamman Temple, Coimbatore to Sathy Road, with a prayer for withdrawal of the Motor Accident Claims Original Petitions pending before different Courts in the State of Tamil Nadu and transfer all the proceedings to a particular Court for disposal.

2. Head the learned counsel for the petitioner and the learned counsel appearing on behalf of the respective parties.

3. There are totally 12 Motor Accident Claims Original Petitions pending before the Motor Accident Claims Tribunal, Coimbatore, Tiruppur, Salem, Tirunelveli and Pollachi.

4. The accident in question took place on 03.07.2011, near Kunnathur Mahaliamman Temple, Coimbatore to Sathy Road, within the jurisdiction of Annur Police Station. The police registered a case in Crime No.1086/2011 against the driver. The claimants have filed claim petitions before different Tribunals claiming compensation from the driver / owner of the vehicle and the Insurance Company.

5. The petitioner was arrayed as a party in all the claim petitions in her capacity as the erstwhile owner of the vehicle bearing Registration No.KA20-A-6604, which was involved in the accident. According to the petitioner, it would be in the interest of all the parties, in case, the proceedings are taken up by one of the Tribunals, instead of taking up the proceedings by different Tribunals.

6. The documents available on record indicates that there are six claim petitions pending before the Motor Accident Claims Tribunal, Coimbatore. Before the Motor Accident Claims Tribunal, Tiruppur, there are three claim petitions. There are one proceedings each pending before the Motor Accident Claims Tribunal at Salem, Tirunelveli and Pollachi. In short, there are 12 claim petitions pending before five Tribunals in the State of Tamil Nadu.

7. The statistics of cases indicated above would show that maximum number of cases are pending before the Motor Accident Claims Tribunal at Coimbatore.

8. The learned counsel for the petitioner in Tr.CMP No.854 of 2014 submitted that the petitioner in the concerned MCOP No.35 of 2013 is immobilized on account of the accident and as such, he would not be in a position to give evidence, in case, the matter is transferred to any other Tribunal outside Coimbatore.

9. The learned counsel for the petitioner in MCOP No.624 of 2012, on the file of the Motor Accident Claims Tribunal (District Judge) Salem, which is the subject matter in Tr.CMP No.856 of 2014, submitted that the petitioners are the legal heirs of Aarthi, who died in the accident.

10. Since majority of the claim petitions are pending before the Motor Accident Claims Tribunal, Coimbatore,

I am of the view that all these matters should be clubbed and posted before the Motor Accident Claims Tribunal, Coimbatore.

11. In the result, the proceedings in M.C.O.P.Nos.1173/2011, 1246/2011, 624/2012, 36/2013, 112/2014 and 1242/2011 are withdrawn from the file of Motor Accident Claims Tribunal/Subordinate Court/District Court, Tiruppur, Salem, Tirunelveli and Pollachi respectively, and are transferred to the file of Motor Accident Claims Tribunal / District Court, Coimbatore, for disposal along with MCOP Nos.492/2012, 1303/2012, 1335/2012, 1462/2012, 35/2013 and 393/2013.

12. The accident in question took place on 03.07.2011. The Motor Accident Claims Tribunal (District Court) Coimbatore is therefore directed to dispose of the claim petitions, as expeditiously as possible, and in any case, on or before 31 March 2017.

13. The petitioner and the Insurance Company are directed to cooperate with the Trial Court, for an early disposal of the matter.

14. The Trial Court is directed to take up the proceedings on day to day basis and dispose of the same within the outer time limit fixed by this Court, without asking for extension of time.

15. The Transfer Civil Miscellaneous Petitions are allowed as indicated above. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy// सत्यमेव जयते

Sub Assistant Registrar

TK

To

1.The Motor Accident Claims Tribunal
(District Judge)
Coimbatore.

2.The Motor Accident Claims Tribunal
(Subordinate Judge)
Tiruppur.

3.The Motor Accident Claims Tribunal
(Subordinate Judge)

4.The Motor Accident Claims Tribunal
(District Judge)
Salem.

5.The Motor Accident Claims Tribunal
(District Judge)
Tirunelveli.

6.The Motor Accident Claims Tribunal
(Subordinate Judge)
Pollachi.

7.The Branch Manager,
Reliance General Insurance
Company (P) Ltd.,
Having office at 1st Floor,
Gee Jay Areade
141/71, Thiruvengatasamy Road West,
R.S.Puram, Coimbatore - 641 002.

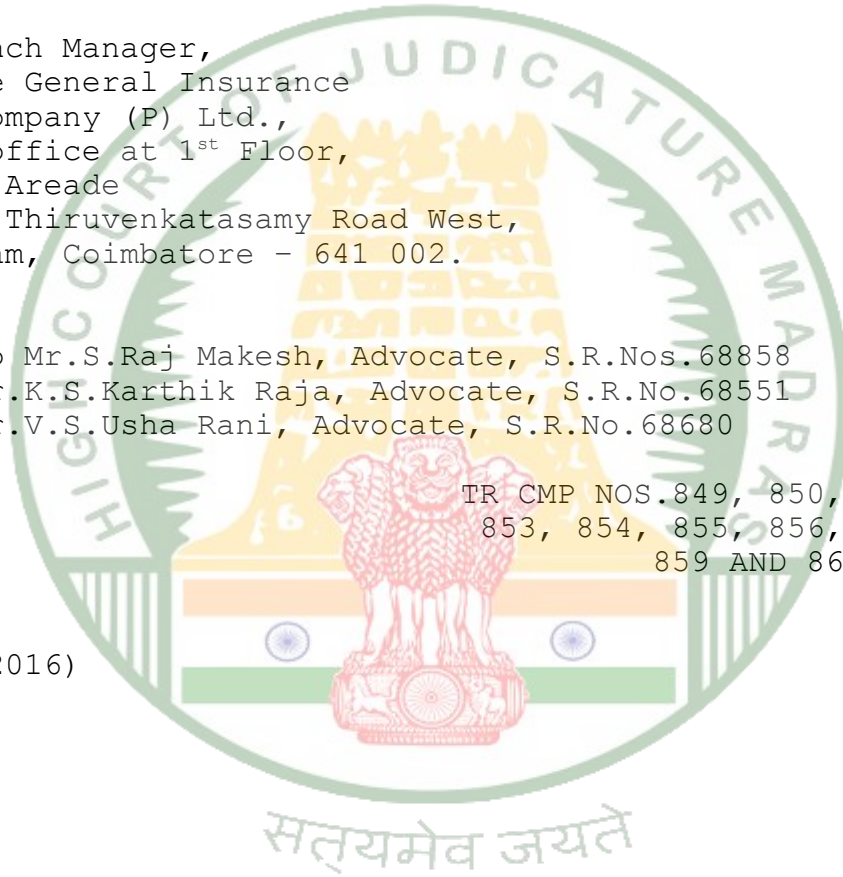
+10cc's to Mr.S.Raj Makesh, Advocate, S.R.Nos.68858

+1cc to Mr.K.S.Karthik Raja, Advocate, S.R.No.68551

+1cc to Mr.V.S.Usha Rani, Advocate, S.R.No.68680

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853, 854, 855, 856, 857, 858
859 AND 860 OF 2014

UG(CO)
CA(22/12/2016)



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