

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

TR CMP NO.827 OF 2015

AND MP NO.1 OF 2015

1.Punitha
2.Minor Dhushyanth (minor)
3.Minor Tharani (minor) ... Petitioners
(Minors 2&3 rep by their mother &
next friend Punitha)

Versus

1.S.Ramani
2.A.Subramaniyan
3.Prabakaran
4.National Insurance Co. Ltd.,
No.751, 5th Floor,
Motor Third Party Claims Office
Anna Salai, Chennai - 600 002. ... Respondents

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure with a prayer to withdraw M.C.O.P.No.5781 of 2015 on the file of Motor Accident Claims Tribunal, Chief Judge, Small Causes Court, Chennai and transfer the same to the file of Motor Accident Claims Tribunal, Chief Judicial Magistrate, Tiruvannamalai, to be tried along with M.C.O.P.No.19 of 2015.

For Petitioners : Mr.K.Varadha Kamaraj
For Respondents : No appearance

सतममेव जयते
O R D E R

The husband of the first petitioner by name Damodaran died in a road accident on 03.06.2014. The petitioners filed a claim petition in M.C.O.P.No.19 of 2015, before the Motor Accident Claims Tribunal / Chief Judicial Magistrate, Tiruvannamalai. The respondents 1 and 2, who are the parents of the deceased, on the other hand, filed a claim petition in M.C.O.P.No.5781 of 2015, before the Motor Accident Claims Tribunal, Small Causes Court, Chennai. The petitioners have come up with this petition for transfer of the proceedings from Chennai to Tiruvannamalai.

2. Heard the learned counsel for the petitioner.
None appears on behalf of the respondents.

3. There are two proceedings now pending before two different Courts relating to the accident involving the husband of the first petitioner, who died on 03.06.2014. The petitioners initiated a proceedings in M.C.O.P.No.19 of 2015, before the Motor Accident Claims Tribunal, Tiruvannamalai. The parents of the deceased, filed a separate claim petition in M.C.O.P.No.5781 of 2015, before the Motor Accident Claims Tribunal, Small Causes Court, Chennai.

4. Since common question of fact is involved in both the claim petitions, it would be in the interest of parties to take up the proceedings by a particular Court.

5. The proceedings in M.C.O.P.No.5781 of 2015 is withdrawn from the file of the Motor Accident Claims Tribunal, Small Causes Court, Chennai and is transferred to the file of Motor Accident Claims Tribunal / Chief Judicial Magistrate, Tiruvannamalai, for disposal along with M.C.O.P.No.19 of 2015.

6. The Transfer Civil Miscellaneous Petition is allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

To

1.The Motor Accident Claims Tribunal
Small Causes Court
Chennai.

2.The Motor Accident Claims Tribunal
Chief Judicial Magistrate
Tiruvannamalai.

+1 cc to Mr.A.Muruganathan,advocate,sr.60357

+1 cc to Mr.K.Varadha Kamaraj,advocate,sr.59875.

vd(co)
krd 5/12

TR CMP NO.827 OF 2015