

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

TR CMP NO.585 OF 2012
AND MP NO.1 OF 2012

1.Farhana
2.Minor Amreen ... Petitioners

Versus

1.M.Munnabi

2.The Divisional Manager
The National Insurance Co. Ltd.,
Jawahar Lal Nehru Street,
Puducherry.

3.R.Asaithambi ... Respondents

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure with a prayer to withdraw the M.C.O.P.No.793 of 2011 pending on the file of the Motor Accident Claims Tribunal, Principal District Judge, Puducherry District and transfer the same to the Motor Accident Claims Tribunal, Subordinate Judge, Tirupattur, Vellore District.

For Petitioners : Mr.D.Balachandran
For Respondent-1 : Mr.T.Dhanyakumar
For Respondent-2 : Mr.J.Chandran

सत्यमेव जयते
O R D E R

The first respondent instituted a proceedings in M.A.C.T.O.P.No.793 of 2011, before the Motor Accident Claims Tribunal, Puducherry, claiming compensation, on account of the death of her son, in a road accident. The petitioners, on the hand, instituted a proceedings in M.C.O.P.No.37 of 2012 before the Sub Court, Tirupattur, Vellore District, claiming compensation, on account of the death of the husband of the first petitioner and the father of the second petitioner. The petitioners have come up with this petition to transfer the proceedings in M.A.C.T.O.P.No.793 of 2011 to the Sub Court, Tirupattur, Vellore District, for disposal along with M.C.O.P.No.37 of 2012.

2. The learned counsel for the petitioners contended that the petitioners are residing at Tirupattur. The petitioners have preferred a claim petition before the Sub

Court at Tirupattur. They have also filed a suit for partition, before the Sub Court, Tirupattur. According to the learned counsel, it would be in the interest of both the parties to transfer the proceedings to the Sub Court, Tirupattur.

3. The learned counsel for the first respondent, on the other hand, submitted that it was only after filing the claim petition before the Motor Accident Claims Tribunal at Puducherry, the petitioners filed the claim petition, before the Sub Court, Tirupattur. According to the learned counsel, the petitioners have not impleaded the driver of the vehicle in question and as such, the very claim petition is bad for non-joinder of proper party.

4. There are two proceedings now pending before two different Courts relating to the accident involving the husband of the first petitioner and the son of the first respondent. It is true that the proceedings in M.A.C.T.O.P.No.793 of 2011 was filed even before the initiation of the proceedings in M.C.O.P.No.37 of 2012, by the petitioners. The petitioners have also filed a civil suit for partition before the Sub Court, Tirupattur. There is no question of taking up the claim petitions, by two different Tribunals. I am therefore of the view that the proceedings in M.A.C.T.O.P.No.793 of 2011 requires to be transferred, to the file of Sub Court, Tirupattur.

5. In the result, the proceedings in M.A.C.T.O.P.No.793 of 2011 is withdrawn from the file of the Motor Accident Claims Tribunal, Puducherry, and is transferred to the file of Motor Accident Claims Tribunal, Sub Court, Tirupattur, Vellore District, for disposal along with M.C.O.P.No.37 of 2012.

6. The learned Trial Judge is directed to refer the matter to Lok Adalat, for the purpose of settlement, at the first instance, before taking up the matter for trial.

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

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

TK

To

1.The Motor Accident Claims Tribunal
Puducherry.

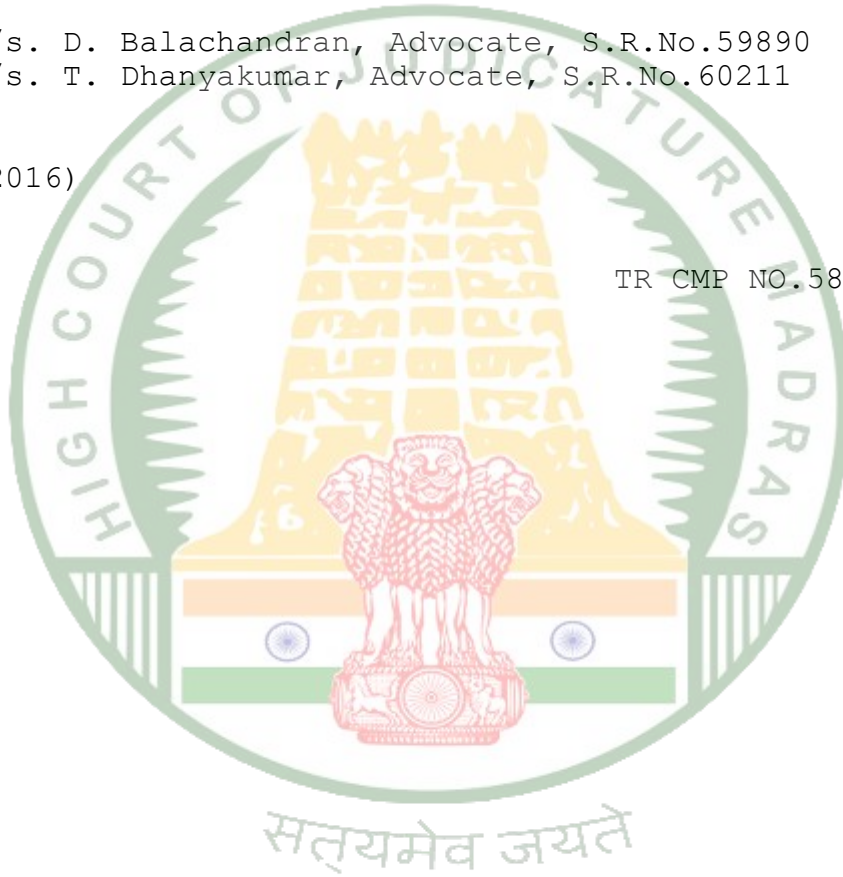
2.The Motor Accident Claims Tribunal
Sub Court,
Tirupattur, Vellore District.

+1cc to M/s. D. Balachandran, Advocate, S.R.No.59890

+1cc to M/s. T. Dhanyakumar, Advocate, S.R.No.60211

CP(CO)
EU(30/11/2016)

TR CMP NO.585 OF 2012



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