

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2016

CORAM

THE HONOURABLE Mr. JUSTICE P.R.SHIVAKUMAR

Tr.C.M.P.No.177 of 2016
and
C.M.P.No.5044 of 2016

1. M.Srividhya
2. Minor Gayathri
(Minor second petitioner rep by next friend
Natural Guardian his mother her 1st petitioner
herein) ... Petitioner

Vs

1. A.Jayakodi
2. Rajeshkumar
3. Sathishkumar
4. U.Ranibai
5. The Branch Manager,
Oriental Insurance Company Limited,
Vellore Respondents

Petition filed under Section 24 of the Civil Procedure Code to withdraw and transfer M.C.O.P.No.203 of 2015 on the file of Motor Accident Claims Tribunal, Sub Judge, Kallakurichi to the Motor Accident Claims Tribunal, Court of Small Causes, Chennai.

For Petitioner : Mr.A.Chandrasekar

For Respondents 1 to 3 : Mr.V.Bhiman

For Respondent-4 : No Appearance

For Respondent-5 : Mr.S.Manohar

O R D E R

The respondents 1 to 3 and 5 are represented by Counsel. R4 has not chosen to enter appearance despite service of private notice.

2. Learned counsel appearing for the respondents 1 to 3 and 5 submit that they do not have any objection for the transfer sought for in the Transfer Civil Miscellaneous Petition.

3. In fact, for the death of the deceased, his wife and minor child have preferred a claim petition for compensation in M.C.O.P.No.3861 of 2015, which is pending on the file of the IV Judge, Court of Small Causes at Chennai. A parallel claim came to be made by the respondents 1 to 3 herein, who are the mother and brothers of the deceased, in M.C.O.P.No.203 of 2015 on the file of the Motor Accident Claims Tribunal (Sub Court), Kallakurichi. Now, the wife and minor daughter of the deceased have come forward with the present Transfer Civil Miscellaneous Petition seeking transfer of the above said M.C.O.P.No.203 of 2015 pending on the file of the Motor Accident Claims Tribunal (Sub Court), Kallakurichi to the file of the IV Judge, Court of Small Causes at Chennai to be tried along with M.C.O.P.No.3861 of 2015.

4. In fact, the claim made by the petitioners in the transfer O.P. earlier in point of time and the claim made by the respondents 1 to 3 was made subsequent to the claim made by the petitioners in the transfer O.P. Hence, the prayer for transfer of the later M.C.O.P. has got to be sustained. The wife and minor daughter of the deceased in their claim petition have made the mother of the deceased as a party respondent. Even then, she has chosen to file a separate M.C.O.P co-opting her other sons.

5. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and M.C.O.P.No.203 of 2015 pending on the file of the Motor Accident Claims Tribunal (Sub Court) Kallakurichi is withdrawn and transferred to the file of the IV Judge, Court of Small Causes at Chennai to be tried jointly with M.C.O.P.No.3861 of 2015 pending on the file of the said Court. No costs. Consequently, connected miscellaneous petitions is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

srn

To

1. The Motor Accident Claims Tribunal (Sub Court)
Kallakurichi
2. The IV Judge, Court of Small Causes
Chennai

+1cc to Mr.V.Bhiman, Advocate, S.R.No.21709

+1cc to Mr.A.Chandrasekar, Advocate, S.R.No.21516

+1cc to Mr.S.Manohar, Advocate, S.R.No.21409

Tr.C.M.P.No.177 of 2016
and
C.M.P.No.5044 of 2016

SKV(CO)
CA(18/04/2016)



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