

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.348 of 2016 and

CMP.No.9361 of 2016

1.K.Poornima
2.Minor Harshitha
Rep. by natural guardian and mother
K.Poornima ...Petitioners

versus

1.V.Shanmugasundaram
2.S.Manimegalai
3.Suresh Nagendralal
4.Bajaj Allianz
Rep. by Senior Manager, Puna.
5.Sai Leo Quarry
Leo Complex, 41, Madley Road,
T.Nagar, Chennai.
6.Royal Sundaram Alliance
Insurance Company Limited
No.113/114, Sir Theyagaraja Road,
4th Floor, Meena Kampala Arcade
T.Nagar, Chennai -17.
7.Bajaj Allianz
Madurai ...Respondents

PRAYER: Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw the petition in MCOP No.1169 of 2015 on the file of Motor Accidents Claims Tribunal cum Hon'ble Principal District Judge, Thanjavur and transfer the same to be tried along with MCOP No.164 of 2015 on the file of Motor Accidents Claims Tribunal, Sub-Court, Vaniyambadi.

For Petitioners : No appearance

For Respondents : No appearance for R1 to R3 and R5

Mr.Srinivasa Ramalingam for R4 and R7

Mr.G.Vasudevan for R6

O R D E R

The petitioners have come up with this transfer petition with a prayer to withdraw the proceedings in MCOP No.1169 of 2015 from the file of Motor Accidents Claims Tribunal cum

Principal District Court, Thanjavur and transfer the same to the Motor Accidents Claims Tribunal/ Sub-Court at Vaniyambadi for joint trial along with MCOP No.164 of 2015.

2. None appears on behalf of the petitioners and for the respondents 1 to 3 and 5.

3. The learned counsel for the sixth respondent submitted that there are two proceedings pending before two different courts on account of the death of Thiru.Senthilvelan, who is none other than the husband of the petitioner. The learned counsel, therefore, submitted that it would be in the interest of the parties to transfer the proceedings in MCOP No.1169 of 2015 to the Motor Accidents Claims Tribunal/ Sub-Court at Vaniyambadi, where, connected proceedings in MCOP No.164 of 2015 is pending.

4. The petitioners filed MCOP No.164 of 2015 before the Motor Accidents Claims Tribunal (Sub-Court) at Vaniyambadi claiming compensation on account of the death of Senthilvelan, who is the husband of the first petitioner and the father of the second petitioner in a road accident. The parents of Thiru.Senthilvelan filed a claim petition in MCOP No.1169 of 2015 before the Motor Accidents Claims Tribunal cum Principal District Judge, Thanjavur.

5. There are two proceedings now pending before two different courts with respect to the very same accident. It would be in the interest of both the parties, in case one of such proceedings is transferred.

6. The proceedings in MCOP No.1169 of 2015 is withdrawn from the file of Motor Accidents Claims Tribunal (Principal District Judge, Thanjavur) and is transferred to the file of Motor Accidents Claims Tribunal (Sub-Court) Vaniyambadi for joint trial and disposal along with MCOP No.164 of 2015.

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

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To

1.The Motor Accidents Claims Tribunal cum

Hon'ble Principal District Judge, Thanjavur

2.The Motor Accidents Claims Tribunal, Sub-Court, Vaniyambadi.

+1 cc to Mr.Srinivasan Ramalingam,advocate,sr.66861
ks(co)

krd 14/12

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