

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.10.2016

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

Transfer C.M.P.No.535 of 2016

1. Shalini
2. Minor Joshna
Rep. by next friend mother Shalini ...
Petitioners/Petitioners

Versus

1. K.Saravanan
2. The United India Insurance Company Limited
Muthiah Complex, 2nd Floor,
1170 Mettur Road,
Erode - 11
Having business office at Shanmuga Complex,
Sankari, Sankari Taluk, Salem District.
3. Babe ... Respondents/Respondents
(Notice may be dispensed with as
all the respondents were set exparte
in MCOP.No.198/2013)

This Petition filed under Section 24 of C.P.C. praying to withdraw M.C.O.P.No. 198 of 2013 on the file of Sub Court, Sankari, and transfer the same to the file of Motor Accident Claims Tribunal / Additional District Judge, Namakkal to be tried along with pending M.C.O.P.No. 922 of 2013.

For Petitioners : M/s. S.Viswanathan
For 3rd Respondent: Mr.Ma.P.Thangavel

O R D E R

The petitioners filed claim petition in M.C.O.P.No. 198 of 2013 before the Motor Accident Claims Tribunal, Sankari claiming compensation on account of the death of Thiru. Sakthivel, who died in a road accident on 20.06.2012.

2. The parents of Thiru. Sakthivel filed M.C.O.P.No. 922 of 2013 before the Motor Accident Claims Tribunal, Namakkal, claiming compensation. The petitioners now seek an order to transfer the proceedings in M.C.O.P.No. 198 of 2013 to the file

of Motor Accident Claims Tribunal, Namakkal.

3. Heard the learned counsel for the petitioners.

4. There are two proceedings now pending before two different Courts. The petitioners filed M.C.O.P.No. 198 of 2013 before the Motor Accident Claims Tribunal, Sankari claiming compensation. The parents of the deceased, who is none other than the husband of the first petitioner and the father of the second petitioner, filed proceedings in M.C.O.P.No. 922 of 2013 before the Motor Accident Claims Tribunal, Namakkal.

5. The petitioner is perfectly correct in filing this Transfer Petition as otherwise there will be two proceedings in respect of a single accident before two different Courts. Therefore, the Transfer Petition deserves to be allowed.

6. In the result, the proceedings in M.C.O.P.No. 198 of 2013 is withdrawn from the file of Motor Accident Claims Tribunal / Sub Court, Sankari and is transferred to the file of Motor Accident Claims Tribunal / Additional District Judge, Namakkal, for trial along with M.C.O.P.No. 922 of 2013.

7. The Transfer Civil Miscellaneous Petition is allowed as indicated above. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Motor Accident Claims Tribunal,
The Subordinate Judge,
Sankari.

2. The Motor Accident Claims Tribunal
The Additional District Judge
Namakkal.

+1 cc to M/s.Dass and Viswa Associates Advocate sr 56630

+1 cc to Mr.Ma.P.Thangavel Advocate sr 57150

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