

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP Nos.537 and 555 of 2016 and

CMP.Nos.14385 and 15227 of 2016

Bharti AXA General Insurance Co. Ltd.,
Branch Office,
No.965, Haritha Complex, 2nd Floor,
Avinashi Road,
Pappanaickenpalayam,
Coimbatore - 641 037.

...Petitioner in both petitions

versus

1.S.Amsaveni
2.N.Srimathi
3.S.Manikandan
4.S.Santhoshkumar
5.C.Rangasamy

...Respondents in
Tr.Cmp.No.537/2016

1.S.Poongodi
2.S.Raja
3.S.Vasanthi
4.C.Rangasamy

...Respondents in
Tr.Cmp.No.555/2016

PRAYER: Tr.Cmp.No.537 of 2016 filed under Section 24 of C.P.C., to withdraw and transfer the petition in MCOP No.475 of 2014 on the file of Motor Accident Claims Tribunal (Special District Judge), Erode to be tried along with MCOP Nos.334 and 336 of 2015 on the file of MACT (Additional District Judge) Dharapuram.

Tr.Cmp.No.555 of 2016 filed under Section 24 of C.P.C., to withdraw and transfer the petitions in MCOP Nos.334 and 336 of 2015 on the file of MACT (Additional District Judge) Dharapuram, to be tried along with MCOP No.475 of 2014 on the file of Motor Accident Claims Tribunal (Special District Judge), Erode.

For Petitioner : Mr.Srinivasan Ramalingam
in both petitions

For Respondents : Mr.R.Nalliyappan for R1 to R4
No appearance for R5 in
Tr.Cmp.No.537/2016

R1 - died
No appearance for R2 to R4 in
Tr.Cmp.No.555/2016

C O M M O N O R D E R

These two transfer petitions are at the instance of the Insurance Company and the prayer is to club MCOP No.475 of 2014 pending on the file of Motor Accident Claims Tribunal (Special District Judge) Erode and MCOP Nos.334 and 336 of 2015 pending on the file of MACT (Additional District Judge), Dharapuram and post the same before a particular Tribunal instead of keeping it pending before two Motor Accidents Claims Tribunal.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents 1 to 4 in Tr.Cmp.No.537 of 2016. None appears on behalf of the respondents in Tr.Cmp.No.555 of 2016.

3. The respondents 1 to 4 in Tr.Cmp.No.537 of 2016 filed a Claim Petition in MCOP No.475 of 2014 claiming compensation on account of the death of one R.Selvaraj in a road accident on 06.03.2014 near Thimmampalayam, Karamadai - Vellingiri Road within the jurisdiction of Karamadadi Police Station. The Police registered a case in Crime No.71 of 2014 on the file of Karamadai Police Station. Since the vehicle in question was insured with the petitioner, the Insurance Company was shown as the respondent in the claim petition.

4. The first respondent in Tr.Cmp.No.555 of 2016 filed MCOP No.334 of 2015 before the Motor Accidents Claims Tribunal, Dharapuram, claiming compensation on account of the injuries sustained by her in the very same accident. The first respondent along with respondents 2 and 3 filed MCOP No.336 of 2015 before the Motor Accidents Claims Tribunal, Dharapuram, claiming compensation on account of the death of R.Selvaraj in the road accident in question.

5. The petitioner was arrayed as respondent in all the three Motor Claims Original Petitions. According to the petitioner, it would be in the interest of all the parties, in case, the claim petitions are taken up by one among the two Tribunals.

6. The learned counsel for the respondents 1 to 4 in Tr.Cmp.No.537 of 2016 submitted that MCOP No.475 of 2014 is now

posted for passing Award and as such, there is no question of transferring the said matter to the Tribunal at Dharapuram. According to the learned counsel, in the other two proceedings, trial is yet to commence.

7. There are three proceedings now pending before two different Tribunals relating to the very same accident. The petitioner is therefore perfectly correct in its contention that it would be in the interest of all the parties, in case, the proceedings are transferred to one of the Tribunals dealing with the matter.

8. Since the proceedings in MCOP No.475 of 2014 was initiated at the first instance and the said matter is now posted for passing Award, necessarily, the other two proceedings should be transferred to the Motor Accidents Claims Tribunal, Erode for disposal.

9. In the result, the claim petitions in MCOP Nos.334 and 336 of 2015 are withdrawn from the file of Motor Accidents Claims Tribunal (Additional District Judge) Dharapuram and are transferred to the file of Motor Accidents Claims Tribunal (Special District Judge) Erode for disposal along with MCOP No.475 of 2014.

10. Since the accident in question took place as early as on 06.03.2014, the Motor Accidents Claims Tribunal (Special District Judge) Erode is directed to dispose of all the three proceedings, as expeditiously as possible, and in any case, on or before 31 March 2017.

11. The Transfer Civil Miscellaneous Petitions are allowed with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
सत्यमेव जयते

Assistant Registrar

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Sub Assistant Registrar

svki

To

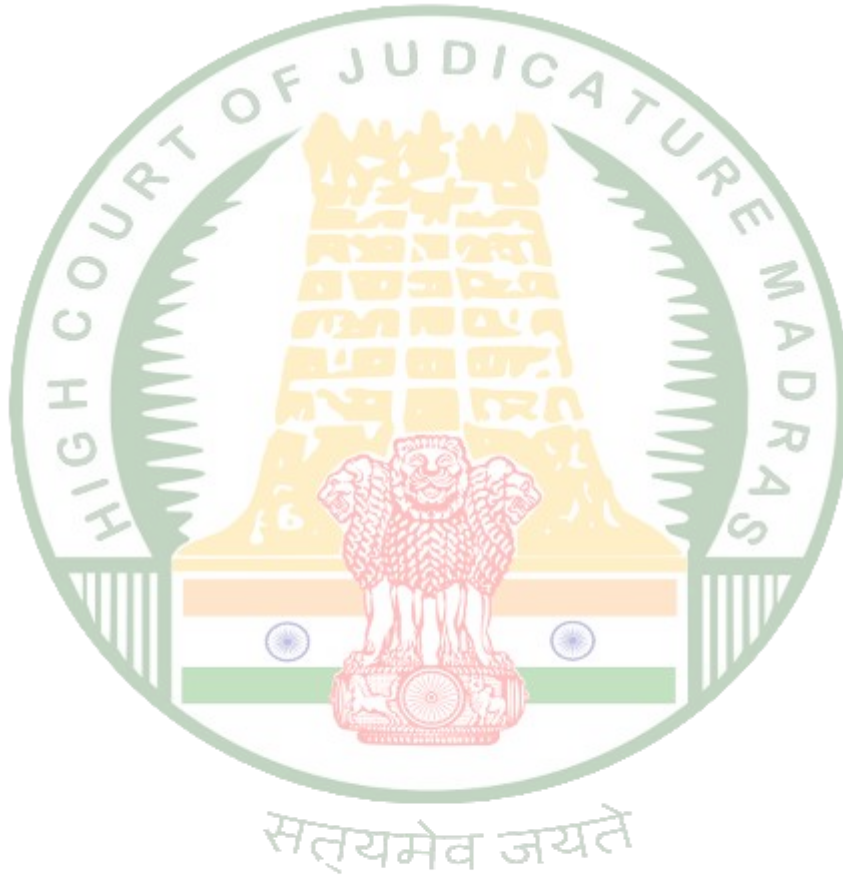
1.The Motor Accident Claims Tribunal (Special District Judge),
Erode

2.The Motor Accident Claims Tribunal (Additional District Judge)
Dharapuram.

+1cc to Mr.Srinivasan Ramaingam, Advocate, S.R.No.68909
+1cc to Mr.R.Nalliyappan, Advocate, S.R.No.69253

kgk(CO)
BB(28/12/2016)

Transfer CMP Nos.537 and 555 of 2016



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