

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2016

CORAM

THE HONOURABLE Mr. JUSTICE K.K.SASIDHARAN

Transfer CMP.Nos.625, 626 and 636 and 637 of 2016
and
C.M.P.Nos.16980, 16981, 16843 and 16842 of 2016

1.S.Chithra
2.S.Devasena
3.S.Shailendran ...Petitioners in Tr.C.M.P.No.
625 of 2016

R.Mohandass ...Petitioner in Tr.C.M.P.No.
626 of 2016

S.Murugesh babu ...Petitioner in Tr.C.M.P.No.
636 of 2016

1.K.Kaladevi
2.K.Amarnath
3.K.Venkatramanan
4.K.Sambu Kumaran ...Petitioners in Tr.C.M.P.No.
637 of 2016

vs.

1. T.K.Kumar
2. Royal Sundaram Alliance General Insurance Co. Ltd,
TP Department, Subramanian Building,
II Floor, Club House Road,
LM Opposite Sinthur Hotel,
Chennai-600 002.
3. Mr.Venkatraman
Proprietor Glitz Ventures,
82/10, Avenue Ashok Nagar,
Chennai-83
4. The Branch Manager,
ICICI Lombard General Insurance Company Limited,
Loyala Technical Building,
No.7, A, A.Road, 1st Floor,
Gnanaolivupuram, Madurai-16

...Respondents in
all Tr.C.M.P.'s

PRAYER in Tr.C.M.P.No.625 & 626 of 2016: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw and to transfer the MCOP No.55/2012 and MCOP No 57/2012 pending on the file of the Sub-Judge, Uthamapalayam, Theni District to the file of the Small Causes Court at Chennai.

PRAYER in Tr.C.M.P.No.636 of 2016: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw and to transfer the MCOP No.58/2012 pending on the file of the Sub-Court, Uthamapalayam, Theni District to the file of the Small Causes Court at Chennai.

PRAYER in Tr.C.M.P.No.637 of 2016: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw and to transfer the MCOP No.56/2012 pending on the file of the Sub-Judge, Uthamapalayam, Theni District to the file of the Small Causes Court at Chennai.

For Petitioners : Mr.Deivendra
(in all Tr.C.M.P.'s)
For Respondents :No appearance
(in all Tr.C.M.P.'s)

C O M M O N O R D E R

The Petitioners filed claim petitions before the Subordinate Court, Uthamapalayam, in M.C.O.P.Nos.55,56,57 and 58 of 2012, claiming compensation on account of the accident that took place on 26.04.2011, in the District of Villupuram. The first respondent is the owner of the car involved in the accident and the second respondent is the Insurance Company. The third respondent was impleaded, he being the owner of the lorry, involved in the accident.

2. The petitioners, subsequent to the initiation of the claim petitions shifted their residence to Chennai.

3. The petitioners have filed these Tr.C.M.P.'s for withdrawal of the claim petitions pending before the Sub-Judge, Uthamapalayam, Theni District and transfer the same to the Small Causes Court, Chennai.

4. Heard the learned counsel for the petitioners. None appears on behalf of the respondents, inspite of printing their names in the cause list after service.

5. There are altogether four claim petitions pending before the Subordinate Court, Uthamapalayam, Theni District. The accident is one and the same in all the matters. The

respondents are also one and the same in all the claim petitions. The petitioners, subsequent to the initiation of the claim petitions, shifted their residence and that was the reason stated in these transfer petitions seeking transfer of the proceedings.

6. As per the Motor vehicles Act, 1988, Claim Petitions can be initiated before the Court in whose jurisdiction the claimants are residing, notwithstanding the fact that the accident occurred outside its jurisdiction. Such being the legal position the petitioners are entitled to succeed.

6. In the result, the claim petitions pending in M.C.O.P.Nos.55,56,57 and 58 of 2016 are withdrawn from the file of Subordinate Court, Uthamapalayam, Theni District and are transferred to the file of Small Causes Court, Chennai. The Chief Judge, Small Causes Court, Chennai is directed to post all these matters together to a particular tribunal for disposal. Since, the accident took place on 26.04.2011, the tribunal is directed to dispose of the claim petitions as expeditiously as possible and in any case within four months from the date of receipt of a copy of this order.

6.The Transfer Civil Miscellaneous Petitions are allowed, as indicated above. No costs. Consequently, connected civil miscellaneous petitions are closed.

s/d-
Assistant Registrar (CS-III)

//True Copy//

Sub-Assistant Registrar

To

1. The Sub-Judge, Uthamapalayam, Theni District
2. The Chief Judge,
Small Causes Court at Chennai

+4 CC to Mr. P. Devandara, Advocate sr 71489,71491, 71492,71493

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KJI (CO)
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