

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2016

CORAM:

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

Tr. C.M.P.No.59 of 2010
and M.P.No.1 of 2010

The General Manager,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
Dharmapuri – 5.

... Petitioner

Versus

1. J.Sreedhar

2. M/s.Bhandari Southern Carriers,
No.109, Lingi Chetty Street,
Chennai – 1.

... Respondents

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C. praying to withdraw the Execution Petition in R.E.P.No.13 of 2007 in M.C.O.P.No.598 of 1995 on the file of the District Court, Krishnagiri, filed by the petitioner herein and to transfer the same to the file of the City Civil Court, Chennai for execution.

For Petitioner : Mr.S.Swaminathan

For Respondents : No appearance

ORDER

The petitioner filed a claim petition before the Motor Accident Claims Tribunal, Krishnagiri in M.C.O.P.No.598 of 1995 and obtained an award against the respondents. Thereafter, the petitioner filed an Execution Petition in R.E.P.No.13 of 2007 before the District Court, Krishnagiri, to

execute the award. It is the case of the petitioner that during the currency of the Execution Petition, the respondents closed their Office at Krishnagiri and shifted to Chennai, the petitioner therefore filed this Transfer Petition.

2. Since the respondents evaded notice, the petitioner was permitted to take substituted service. Accordingly, paper publication was effected. The name of the respondents are printed in the cause list. None appears on behalf of them.

3. The proceedings in R.E.P.No.13 of 2007 was filed by the petitioner before the District Court, Krishnagiri for execution of the award in M.C.O.P.No.598 of 1995. The prayer in the Execution Petition was to attach two vehicles owned by the respondents, which were available at that point of time at Krishnagiri. Subsequently, the respondents closed their Office at Krishnagiri. It was only under such circumstances, the petitioner filed the Transfer Petition.

4. In normal course, there is a remedy available to the Decree Holder to transmit the decree to the proper Court for execution. In the subject case, the vehicles are sought to be attached for the purpose of realizing the award passed in M.C.O.P.No.598 of 1995. Since the vehicles are said to be at Chennai and the respondents are also presently doing business at Chennai, the petitioner has made out a case for transfer of the execution proceedings.

5. In the result, R.E.P.No.13 of 2007 is withdrawn from the file of District Court, Krishnagiri and is transferred to the file of City Civil Court, Chennai for execution. The Executing Court is directed to issue notice to the respondents before proceeding further. The Transfer Civil Miscellaneous Petition is allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

02.11.2016

ogy

To

1. The District Court,
Krishnagiri,
2. The City Civil Court,
Chennai.

K.K.SASIDHARAN, J.
ogy

Tr. C.M.P.No.59 of 2010

02.11.2016

<http://www.judis.nic.in>