

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 16.12.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Tr.C.M.P(MD)No.203 of 2014 and M.P(MD)No.1 of 2014
and

Tr.C.M.P. (MD)No.204 of 2014 and M.P(MD)Nos.1 and 2 of 2014

Tr.C.M.P(MD)No.203 of 2014:

M/s.Raju Spinning Mills Pvt. Ltd.,
through its whole time Director,
P.D.Subramania Raja,
having office at
1110-B, Cotton Market,
Rajapalayam.

... Petitioner

Vs.

1.Gurusamy

2.National Insurance Co. Ltd.,
706, First Floor, Tenkasi Road,
P.B.No.124, Rajapalayam.

... Respondents

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure to withdraw and transfer M.C.O.P.No.108 of 2014 on the file of the Motor Accidents Claims Tribunal - Sub Court, Tiruchengode, to be tried along with M.C.O.P.No.39 of 2012 on the file of the Motor Accident Claims Tribunal - Chief Judicial Magistrate Court, Srivilliputtur.

For Petitioner : Mr.S.Venkatesh
for Mr.A.Sivaji

For Respondent : Mr.D.Sivaraman for R.2
No appearance for R.1

Tr.C.M.P(MD)No.204 of 2014:

M/s.Raju Spinning Mills Pvt. Ltd.,
through its whole time Director,
P.D.Subramania Raja,
having office at
1110-B, Cotton Market,
Rajapalayam.

... Petitioner



Vs.

1.Mari

2.National Insurance Co. Ltd.,
706, First Floor, Tenkasi Road,
P.B.No.124, Rajapalayam.

... Respondents

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure to withdraw and transfer M.C.O.P.No.118 of 2014 on the file of the Motor Accidents Claims Tribunal - Sub Court, Tiruchengode, to be tried along with M.C.O.P.No.39 of 2012 on the file of the Motor Accident Claims Tribunal - Chief Judicial Magistrate Court, Srivilliputtur.

For Petitioner : Mr.S.Venkatesh
for Mr.A.Sivaji

For Respondent : Mr.D.Sivaraman for R.2
No appearance for R.1

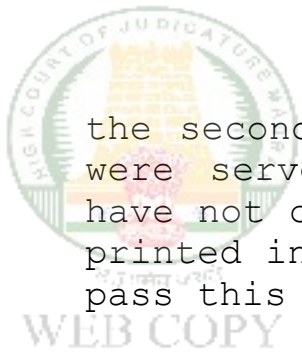
COMMON ORDER

The petitioner is the owner of Swaraj Mazda Van bearing Registration No.TN-67-K-4135 which involved in the accident occurred on 22.04.2012, within the jurisdiction Motor Accident Claims Tribunal - Chief Judicial Magistrate, Srivilliputtur. The other vehicle involved in the said accident is the bus bearing Registration No.TN-67-M-8759.

2. The respective first respondents are said to have travelled in the bus bearing Registration No.TN-67-M-8759 and they sustained injuries in the said accident and they filed the claim petitions in M.C.O.P.Nos.108 and 118 of 2014 on the file of the Motor Accident Claims Tribunal - Sub Court, Tiruchengode. In the said accident, the driver of the Van bearing Registration No.TN-67-K-4135 died and his legal representatives filed the claim petition in M.C.O.P.No.39 of 2012 on the file of the Motor Accident Claims Tribunal - Chief Judicial Magistrate, Srivilliputtur.

3. Now, the petitioner has come forward with these petitions seeking to transfer the claim petitions in M.C.O.P.Nos.108 and 118 of 2014 on the file of the Motor Accident Claims Tribunal - Sub Court, Tiruchengode, to the file of the Motor Accident Claims Tribunal - Chief Judicial Magistrate, Srivilliputtur, to try along with M.C.O.P.No.39 of 2012.

<https://hcservices.courts.gov.in/hcservices/>
4. Hence Mr.S.Venkatesh, learned Counsel for the petitioner in both the petitions and Mr.D.Sivaraman, learned Counsel for



the second respondent. Though the respective first respondents were served notice on their address at Srivilliputtur, they have not chosen to appear before this Court and their names are printed in the cause list and therefore, this Court proceeds to pass this order on merits.

5. It is evident that the accident occurred on 22.04.2012 at Sivakasi - Srivilliputtur main road within the jurisdiction of Motor Accident Claims Tribunal - Chief Judicial Magistrate, Srivilliputtur. Moreover, the other claim petition in M.C.O.P.No.39 of 2012 seeking compensation for the death of the driver of the Van, was filed before the Motor Accident Claims Tribunal - Chief Judicial Magistrate, Srivilliputtur and the same is pending.

6. When the accident occurred within the jurisdiction of Motor Accident Claims Tribunal - Chief Judicial Magistrate, Srivilliputtur and the respective first respondents are residing at Srivilliputtur, there is no occasion for them to go to the Motor Accident Claims Tribunal - Sub Court, Thiruchengode, which has got no connection, and file the claim petitions.

7. Though there is no prohibition with regard to the jurisdiction as per law, still when the respective first respondents are residing within the jurisdiction of Srivilliputtur and further the investigation of the case is being done by Malli Police Station, it is appropriate to transfer the claim petitions in M.C.O.P.Nos.108 and 118 of 2014 pending on the file of the Motor Accident Claims Tribunal - Sub Court, Thiruchengode, to the file of the Motor Accident Claims Tribunal - Chief Judicial Magistrate, Srivilliputtur, wherein M.C.O.P.No.39 of 2012 is already pending.

8. Accordingly, both the Transfer Civil Miscellaneous Petitions are ordered and the claim petitions in M.C.O.P.Nos.108 and 118 of 2014 on the file of the Motor Accident Claims Tribunal - Sub Court, Tiruchengode, are transferred to the file of the Motor Accident Claims Tribunal - Chief Judicial Magistrate, Srivilliputtur, to be tried along with M.C.O.P.No.39 of 2012. No costs. Consequently, all the connected civil miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)



To

1. The Motor Accidents Claims Tribunal - Subordinate Judge,
Tiruchengode.

2. The Motor Accident Claims Tribunal -
Chief Judicial Magistrate,
Srivilliputtur.

3. The National Insurance Company Ltd.,
706, First Floor, Tenkasi Road,
P.B.No.124, Rajapalayam.

+2CC to Mr.A.Sivaji, Advocate Sr.No.81496

+1CC to Mr.B.Sivaraman, Advocate Sr.No.81530

GJM/SKS/RR/2.1.17-2p-7c

**Tr.C.M.P(MD)No.203 of 2014
and M.P(MD)No.1 of 2014**

and

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