



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.11.2016

Coram:

WEB COPY

THE HONOURABLE MR.JUSTICE **S.M.SUBRAMANIAM**

Tr.C.M.P. (MD) .No.375 and 376 of 2016
and C.M.P. (MD) Nos. 7299 and 7300 of 2016

In Tr.C.M.P. (MD) No.375 of 2016:

Royal Sundaram Alliance Insurance Co.Ltd.,
Chennai, through its Manager,
"Sundaram Towers"
Nos.45 and 46 Whites Road,
Chennai.

.. Petitioner/4th Respondent

Vs.

1.Geetha

2.Minor Rishwanth

3.Minor Harshnaa

Minor R2 and R3 are represented by

their mother the first respondent .. Respondents/Petitioners 1to3

4.Kousalya

.. Respondent/Respondent No.1

5.The Manager,

ICICI Lombard General Insurance Co. Ltd.,

Mettupalayam Road,

(Bye Pass Road),

Coimbatore.

6.Dr.Ramkumar

7.Packialakshmi

..Respondents/Respondents 2,3 &5

PRAYER in Tr.C.M.P.No.375 of 2016: Transfer Civil Miscellaneous
Petition is filed under Section 24 of the Code of Civil Procedure,
praying to withdraw the case in M.C.O.P.No.431 of 2015 on the file
of the Principal District Court, Dindigul and transfer the same to
be tried along with M.C.O.P.Nos.664/2015, 786/2015, 171/2015 and
M.C.O.P.No.454 of 2016 on the file of the Motor Accident Claims
Tribunal, Madurai, for joint trial.

For Petitioner : Mr.K.R.Shiva Shankari

For R1 to R3 : Mr.A.Saravanan

In Tr.C.M.P. (MD) No.376 of 2016:

Royal Sundaram Alliance Insurance Co.Ltd.,
Chennai, through its Manager,
"Sundaram Towers"
Nos.45 and 46 Whites Road,
Chennai.

.. Petitioner/4th Respondent



Vs.

1.T.Packialakshmi

..Respondent/Petitioner

2.Kousalya

3.ICICI Lombard General Insurance Co. Ltd.,

Mettupalayam Road,

(Bye Pass Road),

Coimbatore rep. By Manager

4.Dr.Ramkumar

5.Geetha

..Respondents/Respondents 1- 3, 5

6.Minor Rishwanth

7.Minor Harshanaa

(Minors R6 and R7 are represented by their mother

5th respondent)

.. Respondents/Respondents 6 and 7

PRAYER in Tr.C.M.P.No.376 of 2016: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, praying to withdraw the case in M.C.O.P.No.46 of 2016 on the file of the Additional District Judge, Dindigul and transfer the same to be tried along with M.C.O.P.Nos.664/2015, 786/2015, 171/2015 and M.C.O.P.No.454 of 2016 on the file of the Motor Accident Claims Tribunal, Madurai, for joint trial.

For Petitioner : Mr.K.R.Shiva Shankari

C O M M O N O R D E R

The Transfer Civil Miscellaneous Petitions are filed seeking for transfer of M.C.O.P. 431 of 2015 on the file of the Principal District Court, Dindigul and M.C.O.P.No.46 of 2016 on the file of the Additional District Court, Dindigul to the file of the Motor Accident Claims Tribunal, Madurai to be tried along with M.C.O.P.Nos.664/2015, 786/2015, 171/2015 and M.C.O.P.No.454 of 2016.

2. The respective counsels both for the petitioner and the respondent are heard.

3. The learned counsel for the petitioners submits that M.C.O.P.No.664/2015, 786/2015, 171/2015 and M.C.O.P.No.454 of 2016 are pending before the Motor Accident Claims Tribunal at Madurai and in fact all these Claim Petitions arose out of the same accident and one Claim Petition in M.C.O.P.No. 46 of 2016 was filed before the I Additional District Court, Dindigul and another claim petition in M.C.O.P.No.431 of 2015 was filed before the Principal Distict Court, Dindigul.



4. The learned counsel further contended that evidence, documents and witnesses pertaining to the single accident are one and the same and therefore, joint trial will be convenient to all the parties concerned and also to the petitioner in these petitions.

5. The learned counsel for the respondent opposed the Transfer petitions by stating that M.C.O.P.s cannot be transferred normally because the parties are at liberty to file M.C.O.P.s at anywhere and there is no restriction of jurisdiction unlike other suits under the Code of Civil Procedure. Therefore, the petitions are to be dismissed.

6. Since there are no restrictions for filing M.C.O.P and jurisdiction cannot prevent the claimant from filing M.C.O.P in the place of their choice, the present applications for transfer need not be rejected. Hence, Tr.C.M.P.Nos.375 and 376 of 2016 are allowed with the following directions:

i) The learned Principal District Judge, Dindigul, is directed to transmit the records in respect of M.C.O.P.No.431 of 2015 to the file of the Motor Accident Claims Tribunal, Madurai within a period of two weeks from the date of receipt of copy of this order.

ii) The learned I Additional District Judge, Dindigul, is directed to transmit the records in respect of M.C.O.P.No. 46 of 2016 to the file of the Motor Accident Claims Tribunal, Madurai within a period of two weeks from the date of receipt of copy of this order.

iii. The Motor Accident Claims Tribunal, Madurai is directed to dispose of M.C.O.P.No.431 of 2015 and M.C.O.P.No.46 of 2016 along with M.C.O.P.No.664/2015, 786/2015, 171/2015 and M.C.O.P.No.454 of 2016 and dispose of the same as expeditiously as possible.

No costs. Consequently, connected C.M.P.(MD) Nos.7299 and 7300 of 2016 are closed.

Sd/-

Assistant Registrar (RTI)

/True copy/



To

- 1.The Principal District Judge, Dindigul.
- 2.The I Additional District Judge, Dindigul.
- 3.The Motor Accident Claims Tribunal, Madurai

+1 CC to Mr.S.SRINIVASA RAGHAVAN, Advocate, SR No.67666

+1 CC to Mr.A.SARAVANAN, Advocate, SR No.67761

Tr.C.M.P.(MD).No.375 and 376 of 2016
and C.M.P.(MD) Nos. 7299 and 7300 of 2016
10.11.2016

CM

SH/GSV-PM:29.11.2016:4P/6C