

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P.No.143 of 2016

ORDER:

This petition is filed to withdraw M.V.O.P.No.443 of 2015 from the file of Motor Accident Claims Tribunal-cum-Principal District Judge, West Godavari at Eluru, to be tried along with M.V.O.P.No.426 of 2015.

2. M.V.O.P.No.426 of 2015 is filed by parents and another person claims to be wife of deceased claiming compensation for the death of the deceased in a motor accident. M.V.O.P.No.443 of 2015 is filed by wife and son of the deceased at Khammam. From the contentions and rival contentions of both parties, it appears there is a dispute with regard to the claim of petitioner No.1 in M.V.O.P.No.426 of 2015 as wife and this matter has to be decided only by the Claims Tribunal for awarding compensation. Since two O.Ps. arise out of the same accident in respect of the same deceased person, both these O.Ps. have to be tried by one Court to avoid conflicting decisions and conflicting findings.

3. Advocate for petitioners submitted that claimants in O.P.No.426 of 2015 are aged persons and it will be difficult for them if their O.P. is transferred to Khammam, whereas advocate for petitioners in M.V.O.P.No.443 of 2015 submitted that petitioners apprehending danger at Eluru in view of the criminal record against petitioners herein.

4. Considering the contentions and rival contentions of

both parties and submissions of both sides, I am of the view that these two cases have to be tried by one Court at a place in between Khammam and Eluru. Since Vijayawada is a centre place, I feel by transferring these two O.Ps. to Vijayawada and directing the Claims Tribunal to dispose of them within stipulated time, the grievance of both the parties can be resolved.

5. For these reasons, M.V.O.P.No.443 of 2015 is withdrawn from Motor Accident Claims Tribunal-cum-Principal District Judge, Khgammam and transferred to II Additional District Judge-cum-Metropolitan Sessions Judge, Vijayawada. So also, M.V.O.P.No.426 of 2015 is withdrawn from Motor Accident Claims Tribunal-cum-Principal District Judge, West Godavari at Eluru and transferred to II Additional District Judge-cum-Metropolitan Sessions Judge, Vijayawada for disposal in accordance with law. These O.Ps. have to be tried together and be disposed of within a period of six months from the date of receipt of records.

6. Accordingly, this transfer C.M.P. is ordered.

7. Miscellaneous petitions pending, if any, shall stand closed.

S. RAVI KUMAR, J

20th April 2016.

mar