

HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

TRANSFER CIVIL MISCELLANEOUS PETITION No.253 of 2015

ORDER:

This petition under Section 24 of the Code of Civil Procedure by the petitioner-Insurance Company, is filed requesting to withdraw O.P.No.453 of 2012 on the file of Motor Accidents Claims Tribunal-cum-the Court of learned III Additional Chief Judge, City Civil Court, Hyderabad, presently on the file of the Motor Accidents Claims Tribunal-cum-the Court of the learned XIV Additional Chief Judge, City Civil Court, Hyderabad, and transfer the same to the Motor Accidents Claims Tribunal-cum-the Court of the learned District Judge, Adilabad for being tried and disposed of along with O.P.No.431 of 2012 presently on the file of the Court of the learned Additional District Judge, Asifabad, Adilabad District.

I have heard the submissions of Sri Mahboob Hussain, learned counsel for the petitioner and Sri T.Koteswara Prasad, learned Counsel for the respondents 1 to 4, who are the claimants in the O.P. on the file of the Tribunal at Hyderabad. The 5th respondent is the owner of the vehicle involved in the accident and he is stated to be not a necessary party. The 6th respondent, who is impleaded as per the directions of this Court, is the claimant in O.P.No.431 of 2012 on the file of the Tribunal at Asifabad.

The facts which are undisputed, in brief, are as follows :

On the death of the husband of the 1st respondent, the respondents 1 to 4, who are his wife, children and mother, filed the O.P. now pending on the file of the Tribunal at Hyderabad, seeking compensation for the loss sustained by them due to the untimely death of the said deceased. However,

the 6th respondent, who is the daughter of the said deceased, filed another O.P., which is presently pending before the Tribunal at Asifabad. Both learned counsel fairly submit that both the O.Ps. have to be tried and disposed of by one Tribunal not only for the convenience of the parties but also to avoid conflicting judgments. Hence, the only question is as to which of the two O.Ps. is to be transferred.

The learned counsel for the Insurance Company would submit that the respondents 1 to 4 received notices at the Adilabad address, and therefore, in view of the fact that they are residents of Adilabad, it is just and proper to transfer the O.P. on the file of the Tribunal at Hyderabad also to the file of the Tribunal at Asifabad of Adilabad District. Per contra, the learned counsel for the said respondents 1 to 4 would submit that respondents 2 and 3 are minor children of the deceased and that the 4th respondent, the mother of the deceased, is a senior citizen and that the said O.P. on the file of the Tribunal at Hyderabad is part-heard, whereas, the trial in the O.P. on the file of the Court at Asifabad filed by the deceased's daughter, who is gainfully employed, is not yet commenced, and therefore, the interests of justice would be met if the O.P. of the daughter is transferred from the file of the Tribunal at Asifabad to the Tribunal at Hyderabad.

The very narration of the facts supra is sufficient to come to a safe conclusion that there is merit in the submissions of the learned counsel for the respondents 1 to 4. The petitioner being an Insurance Company, will have no inconvenience for defending the claims either at Asifabad or Hyderabad, as it is an Institution having huge establishment and Standing Counsel to represent it at both places. In that view of the matter, this Court

is satisfied that the Transfer C.M.P. can be disposed of with appropriate directions.

In the result, the Transfer C.M.P. is partly allowed and O.P.No.431 of 2012 presently on the file of Motor Accidents Claims Tribunal-cum-the Court of the learned Additional District Judge, Asifabad, is withdrawn from the file of the said Court and is transferred to the Motor Accidents Claims Tribunal-cum-the Court of the learned XIV Additional Chief Judge, City Civil Court, Hyderabad, for simultaneous trial and disposal with O.P.No.453 of 2012, in strict adherence to the procedure established under law. The transferor Court at Asifabad shall expeditiously transmit the record in O.P.No.431 of 2012 to the transferee Court. No costs.

Pending miscellaneous applications, if any, shall stand closed.

20th October 2016

ajr

M.SEETHARAMA MURTI, J

