

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Tr.C.M.P.No.321 of 2016

ORDER:

This application under Section 24 of the Code of Civil procedure, 1908, is filed by the petitioners, who are the parents of the deceased, Jinka Bhaskar Babu. They filed OP.No.21 of 2016 on the file of the learned Chairman, Motor Accidents Claims Tribunal-cum-II Additional District Judge, Madanapalle of Chittoor District, claiming compensation of the loss sustained by them due to the untimely death of their son in a motor vehicle accident. The wife of the deceased is the 3rd respondent in the said OP and also in the present Tr.CMP.

By this petition, the petitioners are seeking the transfer of the claim petition in OP.No.73 of 2016 filed by the 3rd respondent-wife of the deceased on the file of the learned Chairman, Motor Accidents Claims Tribunal-cum-I Additional District Judge, Anantapur, to the file of the learned Chairman, Motor Accidents Claims Tribunal-cum-II Additional District Court, Madanapalle, where the first mentioned OP filed by them is pending.

I have heard the submissions of Sri Mahadeva Kanthirigala, learned counsel for the petitioners and of Sri M. Karibasaiah, learned counsel for the 3rd respondent. I have perused the material record.

The facts which are necessary to be considered, in brief, are follows: -
'On the death of the son of the petitioners and the husband of the 3rd respondent in a motor vehicle accident, a crime was registered by the Station House Officer, Itikela Palli Police Station of Anantapur. Thereafter the petitioners filed their claim petition in the Motor Accidents Claims Tribunal-cum-II Additional District Court, Madanapalle; the 3rd respondent, wife of the deceased, filed her OP on the file of the Motor Accidents Claims Tribunal-cum-I Additional District Court at Anantapur. Both the parties fairly submit that both cases must be tried by one forum not only to avoid conflicting decisions but also

for the convenience of the parties. Considering the issues that fall for determination in the two cases, it is in the interests of both the parties that the two cases should be tried and disposed of by a single Forum, be it the Tribunal at Anantapur or the Tribunal at Madanapalle of Chittoor District.”

The issue for consideration is as to which of these two Tribunals should be entrusted with the cases duly taking into consideration the grounds that are raised by the parties in their respective pleadings.

According to the version of the 3rd respondent in her claim petition, she is presently staying at Dharmavaram of Anantapur. The said fact is being disputed by the petitioners herein by stating that she received notices in their claim petition at Jammalamadugu. Be that as it may. The fact of the matter is that in the same accident some other persons died and the legal heirs of the said deceased also filed claim petitions in the Claims Tribunal at Anantapur. As already noted, after the accident, the crime was registered by the police concerned of Itikelapalli Police Station of Anantapur District. Therefore, the claim petition of the petitioners is only pending in Claims Tribunal at Madanapalle of Chittoor District.

On the above analysis, this Court finds that there is no merit in the request of the petitioners herein and that on the other hand, there are sufficient grounds to transfer the OP.No.21 of 2016 on the file of the learned Chairman, Motor Accidents Claims Tribunal-cum-II Additional District Judge, Madanapalle, to the file of the learned Chairman, Motor Accidents Claims Tribunal-cum-I Additional District Judge, Anantapur, where OP.No.73 of 2016 filed by the 3rd respondent, wife of the deceased, is pending, as transfer of the OP of the petitioners herein to the Claims Tribunal where the wife's OP is pending sub-serves the ends of justice.

Accordingly, the petition is dismissed. However, while exercising the *suo motu* power under Section 24 of the Code, OP.No.21 of 2016 on the file of the

learned Chairman, Motor Accidents Claims Tribunal-cum-II Additional District Judge, Madanapalle, is withdrawn from the file of the said Court and is transferred to the file of the learned Chairman, Motor Accidents Claims Tribunal-cum-I Additional District Judge, Anantapur, where OP.No.73 of 2016 filed by the 3rd respondent, wife of the deceased, is pending, for simultaneous trial and disposal along with said OP.No.73 of 2016 in accordance with the procedure established by law.

Pending miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

01st December, 2016
VjI



M. SEETHARAMA MURTI, J