

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2017

C O R A M

THE HONOURABLE Mrs.JUSTICE **PUSHPA SATHYANARAYANA**

Tr.C.M.P.Nos.660 to 665 of 2011
and M.P.No.1 of 2011 (5 Mps)

Future Generali Insurance Company Limited
 Represented by its Branch Manager
 Pasadena, No.18/1, (Old No.125/A),
 3rd Floor, Ashoka Pillar Road,
 Jayanagar, 1st Block,
 Bangalore - 560 011

...Petitioner in all Tr.C.M.Ps

-Vs.-

1. Sujatha
2. Minor Uma
3. Minor Amuratha
 (Minors 2 and 3 rep by Next Friend and
 their Mother Mrs.Sujatha)
4. Anjale
5. Subbamma
6. Chandrappa

...Respondents in Tr.C.M.P.No.660 of 2011

1. Pushpa
2. Minor.Hariesh
3. Minor Shresha
 (Minors 2 and 3 rep by Next Friend and
 their Mother Mrs.Pushpa)
4. Anjale
5. Venkatappa

...Respondents in Tr.C.M.P.No.661 of 2011

1. Sugania
2. Minor.Harine
3. Minor Murale
 (Minors 2 and 3 rep by Next Friend and
 their Mother Mrs.Sugania)
4. Venkatesh

5. Kamalamma

6. Anjale ..Respondents in Tr.C.M.P.No.662 of 2011

1. Kalavathi

2. Minor Leela Arjun

3. Minor Bavya

(Minors 2 and 3 rep by Next Friend and their Mother Mrs.Kalavathi)

4. Anjale ..Respondents in Tr.C.M.P.No.663 of 2011

1. Redamma

2. Poojari Shivanna

3. Malliga Arjun

4. V.Rajendra

5. G.Rajamanickam

6. United India Insurance Co.Ltd

Rep by its Branch Manager

Branch Office, Muthiah Complex,

2nd Floor, No.1170, Mettur Road,

II Floor, Erode 638 001 ..Respondents in Tr.C.M.P.No.664 of 2011

1. Lakshmi Devi

2. Venkatasamy

3. V.Geethajali

4. Roopa

5. Minor Revathi

(Minor Rep by next friend and their Mother Mrs. Lakshmi Devi)

6. V.Rajendra

7. G.Rajamanickam

8. United India Insurance Co.Ltd

Rep by its Branch Manager

Branch Office, Muthiah Complex,

2nd Floor, No.1170, Mettur Road,

II Floor, Erode 638 001 ..Respondents in Tr.C.M.P.No.665 of 2011

Prayer in Tr.C.M.P.No.660 of 2011

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C praying to withdraw M.C.O.P.No.429 of 2011 from the file of the Motor Accident Claims Tribunal, Principal District Judge, Krishnagiri and

transfer the same to the file of the Motor Accident Claims Tribunal, District Judge, Salem for disposal along with M.C.O.P.No.505 of 2011.

Prayer in Tr.C.M.P.No.661 of 2011

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C praying to withdraw M.C.O.P.No.433 of 2011 from the file of the Motor Accident Claims Tribunal, Principal District Judge, Krishnagiri and transfer the same to the file of the Motor Accident Claims Tribunal, District Judge, Salem for disposal along with M.C.O.P.No.507 of 2011.

Prayer in Tr.C.M.P.No.662 of 2011

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C praying to withdraw M.C.O.P.No.435 of 2011 from the file of the Motor Accident Claims Tribunal, Principal District Judge, Krishnagiri and transfer the same to the file of the Motor Accident Claims Tribunal, District Judge, Salem for disposal along with M.C.O.P.No.508 of 2011.

Prayer in Tr.C.M.P.No.663 of 2011

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C praying to withdraw M.C.O.P.No.442 of 2011 from the file of the Motor Accident Claims Tribunal, Principal District Judge, Krishnagiri and transfer the same to the file of the Motor Accident Claims Tribunal, District Judge, Salem for disposal along with M.C.O.P.Nos.501 to 508 of 2011.

Prayer in Tr.C.M.P.No.664 of 2011

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C praying to withdraw M.C.O.P.No.476 of 2011 from the file of the Motor Accident Claims Tribunal, Principal District Judge, Krishnagiri and

transfer the same to the file of the Motor Accident Claims Tribunal, District Judge, Salem for disposal along with M.C.O.P.Nos.501 to 508 of 2011.

Prayer in Tr.C.M.P.No.665 of 2011

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C praying to withdraw M.C.O.P.No.478 of 2011 from the file of the Motor Accident Claims Tribunal, Principal District Judge, Krishnagiri and transfer the same to the file of the Motor Accident Claims Tribunal, District Judge, Salem for disposal along with M.C.O.P.Nos.501 to 508 of 2011.

For petitioner ...Mr.N.Vijayaraghavan
in all Tr.C.MPs
For Respondents
in all Tr.C.M.Ps ...Mr.M.Sriram

ORDER

The petitioner-Insurance Company has filed these Transfer Civil Miscellaneous Petition to withdraw M.C.O.P.Nos.429, 433, 435, 442, 476 and 478 of 2011 respectively pending on the file of the Motor Accident Claims Tribunal, Principal District Judge, Krishnagiri and transfer the same to the file of the Motor Accident Claims Tribunal, District Judge, Salem.

2. It is stated in the affidavit that the respondents 1 to 3 in all Tr.C.M.Ps have filed M.C.O.P.Nos.429, 433 435, 442, 476 and 478 of

2011 before the Motor Accident Claims Tribunal, Principal District Judge, Krishnagiri claiming compensation for the death of C.Ramesh, Subramani, Mohan, Srinivasalu, Suresh and Vasanthakumar in an accident on 02.01.2011 involving car bearing Registration No.KA-02-C-1982 alleged to be insured with the petitioner-Insurance Company.

3. It is also stated that the claim of the respondents is connected with 13 other connected claims arising out of the same accident dated 02.01.2011, wherein, 8 claim petitions in M.C.O.P.No.501 to 508 of 2011 have been filed before the Motor Accident Claims Tribunal, District Judge, Salem and 6 claim petitions in M.C.O.P.Nos.429, 433, 435,442, 476 and 478 of 2011 have been filed before the Motor Accidents Claims Tribunal, Principal District Judge, Krishnagiri. The respondents to the claim petitions are common. Unless all the claim petitions are heard and decided together, there would be conflict of decisions and multiplicity of proceedings. No prejudice would be caused to the claimants, if the transfer petitions are allowed. Hence, the petitioner-Insurance Company has filed these Transfer Petitions.

4. Heard the learned counsel for the petitioners and the learned counsel for the respondents.

5. Taking into consideration the above grievances of the petitioner and that in order to avoid multiplicity of proceedings and conflict of decisions between the cases, these transfer petitions are allowed and M.C.O.P.Nos.429, 433, 435, 442, 476 and 478 of 2011 respectively pending on the file of the Motor Accident Claims Tribunal, Principal District Judge, Krishnagiri shall stand withdrawn and transferred to the file of Motor Accident Claims Tribunal, District Judge, Salem to be tried along with M.C.O.P.Nos.501 to 508 of 2011. No costs. Consequently, connected miscellaneous petitions are closed.

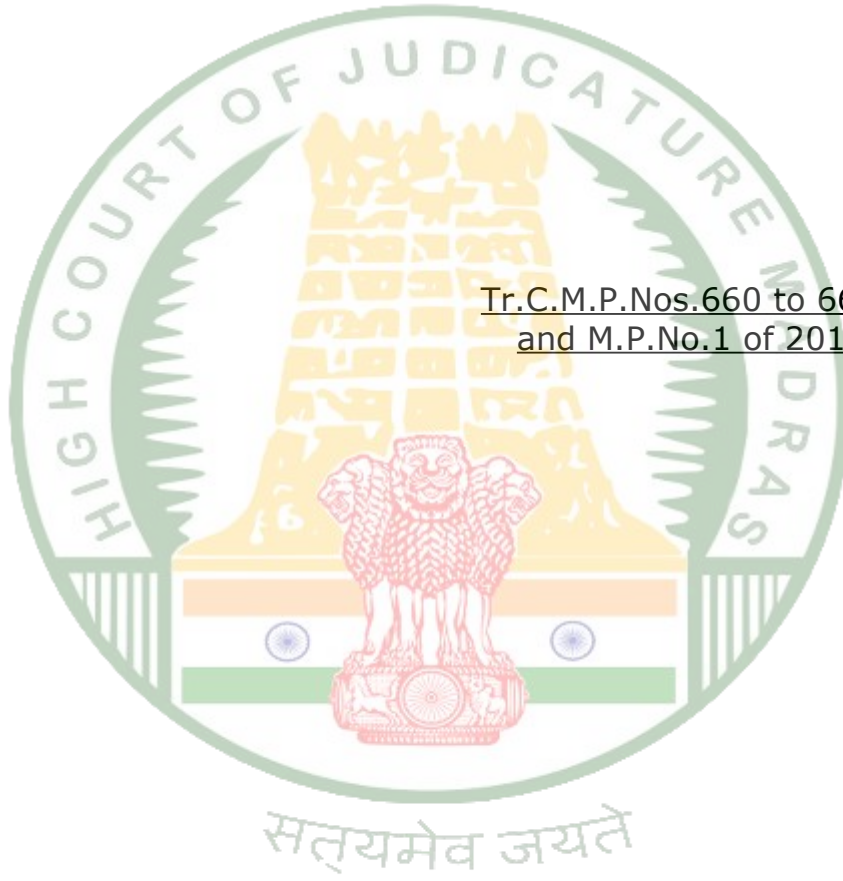
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Tr.C.M.P.Nos.660 to 665 of 2011
and M.P.No.1 of 2011 (5 Mps)

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