

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2017

C O R A M

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.129 of 2017

and

C.M.P.No.2225 of 2017

1. Selvi
 2. Dhamodaran
 3. Iyyappan
- .. Petitioners

-Vs-

1. Purushothaman
 2. The Divisional Branch Manager
Cholamandalam MS General Insurance Co.Ltd
Dare House, 2nd Floor,
NSC Bose Road,
Chennai -1
- .. Respondents

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C praying to withdraw M.C.O.P.No.10 of 2013 on the file of Special District Court / Motor Accident Claims Tribunal, Villupuram and transfer the same to the Principal District Court, Villupuram.

For petitioner ... Mr.G.Rajan

ORDER

This transfer petition is filed by the petitioner-wife seeking to withdraw the M.C.O.P.No.10 of 2013 on the file of the Special District Court, MACT, Villupuram and transfer the same to the Principal District Court, Villupuram.

2. The claim petition is filed on the death of the husband of the first petitioner. The second respondent has filed another M.C.O.P.No.149 of 2009 claiming compensation for the death of the deceased Thangarasu and the said claim petition was settled on 12.08.2009 before the Lok Adalat and an amount of Rs.2,10,800/- (Rupees two lakhs ten thousand and eight hundred only) was paid by way of cheque.

3. It is now stated by the petitioner that in the above said M.C.O.P, the evidence is over and the petition is posted for arguments. During the course of arguments, the learned trial Judge had observed that the claim petition is not maintainable, in view of

the earlier settlement made in M.C.O.P.No.149 of 2009. Now, the transfer petition is filed apprehending that the O.P will be dismissed. The apprehension in the mind of the petitioner is on a fancied notion, which cannot be a ground for transfer, especially, when the evidence is complete and the petition is posted for arguments. Therefore, there is no reason to transfer this petition and the same is liable to be dismissed.

4. Accordingly, this Tr.C.M.P is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

14.02.2017

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To

1. The Special District Judge
Motor Accident Claims Tribunal, Villupuram
2. The Principal District Court, Villupuram.

PUSHPA SATHYANARAYANA.J

srn

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