

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:02.11.2017

C O R A M

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.64 of 2017
and
C.M.P.No.1386 of 2017

Madhesan .. Petitioner

-Vs-

Thamizharasan .. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C praying to withdraw M.C.O.P.No.107 of 2015 on the file of Motor Accident Claims Tribunal (In the Court of Subordinate Judge), Tiruchengode and transfer the same to hear along with MCOP.No. 1312 of 2014 pending on the file of Motor Accident Claims Tribunal (Special District Court), Salem.

For petitioner : Mr.S.P.Yuaraj

For Respondent : Mr.N.Manokaran

O R D E R

Th claimant in M.C.O.P.No.1312 of 2014 on the file of the Motor Accident Claims Tribunal, Salem, is seeking transfer of M.C.O.P.No.107 of 2015 on the file of the Motor Accident Claims Tribunal, Tiruchengode, which is filed by the owner of the vehicle, to the file of the Motor Accident Claims Tribunal, Salem to be tried along with M.C.O.P.No.1312 of 2014.

2. Both the claims are arising out of the same accident. It is stated that even though the respondent is residing in Salem, he has deliberately filed O.P in Tiruchengode to harass the petitioner. Be that as it may. Admittedly, both the O.Ps are filed for claiming compensation for the injuries sustained by them arising out of the same accident. In such circumstances, unless both the O.Ps are heard and tried together, there will be conflict in decisions. Besides, considering the convenience of both the parties, it would be appropriate to hear both O.Ps in one of the MACTs.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

4. Learned counsel for the respondent vehemently opposed for transferring of M.C.O.P.No.107 of 2015 to M.A.C.T, Salem.

5. However, after some time, both the learned counsels have agreed that both O.Ps (i.e) M.C.O.P.No.107 of 2015 on the file of the Motor Accident Claims Tribunal, Tiruchengode and M.C.O.P.No.1312 of 2014 on the file of the Motor Accident Claims Tribunal, Salem be withdrawn and transferred to Sub Court, Sankari and tried jointly.

6. Considering the fact that the Sub Court, Sankari is convenient for both the parties, this Court is inclined to transfer the above M.C.O.P.107 of 2015 on the file of the Motor Accident Claims Tribunal, Tiruchengode and M.C.O.P.No.1312 of 2015 pending on the file of the Motor Accident Claims Tribunal, Salem to the file of Sub Court, Sankari for joint trial.

7. Accordingly, the Transfer Civil Miscellaneous Petition is disposed of and M.C.O.P.No.107 of 2015 pending on the file of the Motor Accident Claims Tribunal (in the Court Sub Ordinate Judge), Tiruchengode and M.C.O.P.No.1312 of 2014 pending on the file of the Motor Accident Claims Tribunal (Special District Court) Salem shall stand withdrawn and transferred to the Sub Court, Sankari to be tried jointly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

srn

To

1.The Subordinate Judge, Tiruchengode.

2.The Motor Accident Claims Tribunal (Special District Court),
Salem.

3. The Sub Judge, Sankari.

+ 1 cc to Mr.N.Manokaran Advocate,SR.77923

+ 1 cc to Mr.S.P.Yuvaraj Advocate,SR.77878

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RSI (CO)
NR 06/12/2017