

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2017

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.CMP.No.628 of 2013
and MP.No.1 of 2013

1. Rajammal
2. Nirmala
3. Manoharan
4. MurugeswariPetitioners

Versus

1. The Managing Director,
Tamil Nadu State Transport Corporation Ltd,
Erode.
2. Sampooranam
3. Sumathi
4. K.MurugesanRespondents

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, praying to withdraw the M.C.O.P.No.285 of 2012 pending on the file of Motor Accidents Claims Tribunal, Additional District Judge-I, Erode and transfer the same to Motor Accidents Claims Tribunal, Principal District Judge-I, Dharmapuri to be tried together with M.C.O.P.No.255 of 2012.

For Petitioners: Mr.M.Selvam

For Respondents: Not ready in notice
For R1 and R2
No Appearance
For R3 and R4

O R D E R

The Transfer Civil Miscellaneous Petition is filed to withdraw the M.C.O.P.No.285 of 2012 pending on the file of Motor Accidents Claims Tribunal, Additional District Judge-I, Erode and transfer the same to the file of Motor Accidents Claims Tribunal, Principal District Judge-I, Dharmapuri, to be tried along with M.C.O.P.No.255 of 2012.

2. The first respondent is the Transport Corporation and the fourth respondent is the driver of the Transport Corporation.

3. M.C.O.P.No.255 of 2012 is filed by the first wife and the legal heirs of the deceased Gopal on the file of Motor Accidents Claims Tribunal, Principal District Judge, Dharmapuri for claiming compensation from the 1st respondent.

4. M.C.O.P.No.285 of 2012 is filed by the daughters of the deceased, born through the second wife, on the file of the Motor Accidents Claims Tribunal, Additional District Judge-I, Erode, claiming compensation.

5. The first petitioner herein claims to be the legally wedded wife of the deceased Gopal. She is residing in Dharmapuri District and filed O.P on the file of the Motor Accident Claims Tribunal, Dharmapuri, seeking compensation.

6. As both the claims are arising out of the same accident and there is also a rival claim with respect to the compensation to be awarded, the petitioner seeks for transfer of M.C.O.P.No.285 of 2012 pending on the file of Motor Accidents Claims Tribunal, Additional District Judge-I, Erode to be tried along with M.C.O.P.No.255 of 2012 pending on the file of Motor Accidents Claims Tribunal, Principal District Judge, Dharmapuri.

7. Heard the learned counsel for the petitioner and perused the materials available on record. Though the respondents 2 and 3 are served with notice, there is no representation for them either in person or through counsel.

8. It is stated that both the M.C.O.P's are still pending and trial has not yet commenced. Whiles, if the M.C.O.P's are allowed to be tried independent of each other, it would only further complicate the issues. Hence, in the interest of Justice, the M.C.O.P.No.285 of 2012 pending on the file of Motor Accidents Claims Tribunal, Additional District Judge-I, Erode is to be transferred to the file of Motor Accidents Claims Tribunal, Principal District Judge-I, Dharmapuri, to be tried along with M.C.O.P.No.255 of 2012.

9. Accordingly, the transfer Civil Miscellaneous Petition is allowed and M.C.O.P.No.285 of 2012 pending on the file of Motor Accidents Claims Tribunal, Additional District Judge-I, Erode shall stand withdrawn and transferred to the file of Motor Accidents Claims Tribunal, Principal District Judge-I, Dharmapuri to tried along with M.C.O.P.No.255 of 2012. No costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-
Deputy Registrar

True Copy

Sub-Assistant Registrar

raja

To

1. The Motor Accidents Claims Tribunal,
Additional District Judge-I, Erode.
2. The Motor Accidents Claims Tribunal,
Principal District Judge-I, Dharmapuri.
3. The Managing Director,
Tamil Nadu State Transport Corporation Ltd,
Erode.

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SP(04/12/2017)

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