

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2017

C O R A M

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.720 of 2016
and C.M.P.No.18673 of 2016

1. Alamelu

2. Minor Kavya

3. Minor Punitha

Petitioners 2 and 3 are represented by
their mother the 1st petitioner ... Petitioner

-Vs.-

1. Valli

2. Minor Soniya

3. Minor Prasanth

Respondents 1 and 2 are represented by
their mother the 1st respondent

4. A.Elamurugu

5. Cholamandalam MS General Insurance Company Ltd
Salem - 600 007.

6. Chinapappa

7. Kadirappam ... Respondents

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C praying to withdraw and transfer the proceedings pending on the file of the Additional Special District Court, Krishnagiri in M.C.O.P.No.849 of 2013 to the file of the Additional District Court-III, Kallakurichi to be heard and tried with M.C.O.P.No.122 of 2013 for joint trial.

For petitioner सत्यमेव जयते ... Mr.V.Lakshminarayanan

For Respondents 1 to 3

6 & 7 ... Mr.K.Thiruvengadam

For Respondents 4 and 5 ..Served - No Appearance

O R D E R

The first petitioner herein as wife and second and third petitioners as minor daughters had filed M.C.O.P.No.122 of 2013 on the file of the MACT, Kallakurichi claiming compensation for the death of Krishnan.

2. The respondents 1 to 3 and 6 and 7 herein also had filed M.C.O.P.No.849 of 2013 on the file of the MACT, Additional Special District Court-III, Krishnagiri claiming compensation for the death of the same person claiming to be the first wife, minor children and parents respectively.

3. The transfer petition is filed by the petitioners seeking transfer of M.C.O.P.No.849 of 2013 on the file of the MACT, Additional Special District Court, Krishnagiri to the file of the MACT, Additional District Court-III, Kallakurichi to be tried along with M.C.O.P.No.122 of 2013 for joint trial.

4. Learned counsel for the respondents appearing for respondents 1 to 3 and 6 and 7 vehemently opposed the same stating that the first respondent is the first wife and she has two minor children and aged parents and the children to be taken care of and it would be difficult for her to travel from Krishnagiri to Kallakurichi for each hearing.

5. The petitioner has also expressed her difficulty in travelling to Krishnagiri with the minor daughters.

6. Considering the plight of both the parties, though the question of legality of the marriage has to be decided, in the interest of justice, it would be appropriate to transfer both O.P.S to a place convenient for both the parties, as MACT, Thiruvannamalai, which would be an equal distance to be travelled for both parties.

7. Accordingly, the Transfer Civil Miscellaneous Petition is disposed of and M.C.O.P.No.849 of 2013 pending on the file of the MACT, Additional Special District Court, Krishnagiri and M.C.O.P.No.122 of 2013 pending on the file of the MACT, Additional District Court-III, Kallakurichi are ordered to be withdrawn and transferred to the file of the MACT, Thiruvannamalai. Once the said M.C.O.Ps are transferred to the MACT, Thiruvannamalai, the Tribunal is directed to dispose of the said O.Ps within a period of six months from the date of receipt of the records. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

srn

To

1. The MACT, Additional Special District Court, Krishnagiri
2. The MACT, Additional District Court-III, Kallakurichi
3. The MACT, Tiruvannamalai.

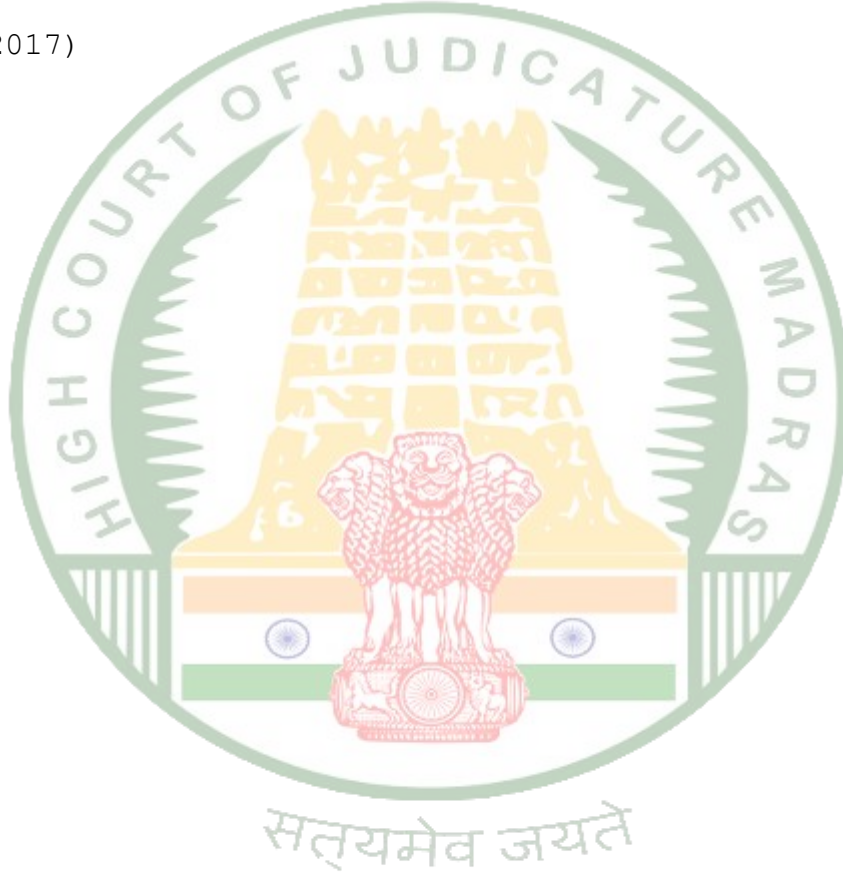
+1cc to Mr.K.THIRUVENGADAM Advocate, S.R.No. 79775

+1cc to Mr.V.RAGHAVACHARI Advocate, S.R.No. 79790

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TR(11/12/2017)



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