



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **13.06.2017**

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
TR.CMP(MD)Nos.381 and 382 of 2015
and
M.P(MD)Nos.1 and 1 of 2015

TR.CMP(MD)Nos.381 of 2015:

1.Thulasibai
2.Balakrishnan
3.Kamalatchi .. Petitioners/R 4 to 6
Vs.

1.Kanniyammal .. R1 / Petitioner

2.R.Venkidusamy

3.K.Velusamy

4.The National Insurance Company,
Rep. through its Branch Manager,
Gobichettipalayam,
Erode District. .. R2 to R4 / R1 to R3

For Petitioners : Mr.P.Santhoshkumar
in both petitions

For R1 : Mrs.S.Srimathy
for Mr.A.P.Thangavel

For R4 : Mr.J.S.Murali

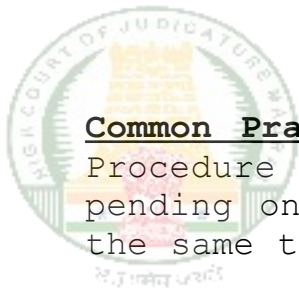
For RR2 and 3 : No Appearance

TR.CMP(MD)Nos.382 of 2015:

1.Thulasibai
2.Balakrishnan
3.Kamalatchi ... Petitioners/Petitioners
Vs.

1.K.Velusamy

2.The National Insurance Company,
Rep. through its Branch Manager,
Gobichettipalayam,
Erode District.



Common Prayer: Petitions filed under Section 24 of Code of Civil Procedure to withdraw M.C.O.P.Nos.295 of 2004 and 244 of 2012 pending on the file of Sub Court, Gobichettipalayam and transfer the same to the Sub Court, Aruppukkottai.

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For Petitioners : Mr.P.Santhoshkumar
in both petitions

For R3 : Mrs.S.Srimathy
for Mr.A.P.Thangavel

For R2 : Mr.J.S.Murali

For R1 : No Appearance

C O M M O N J U D G M E N T

The petitioners seek transfer of MCOP.Nos.295 of 2004 and 244 of 2012, pending on the file of the Sub Court, Gobichettipalayam to Sub Court, Aruppukkottai. They are respondents 4 to 6 in the said MCOP.No.295 of 2004. The said MCOP has been filed by one Kanniyammal, namely the first respondent in Tr.CMP.(MD).No.381 of 2015, who was impleaded as the third respondent in MCOP.No.244 of 2012, claiming that she is the wife of the deceased.

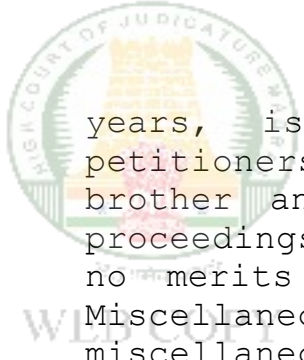
2.Heard both sides and perused the records available.

3.The petitioners herein are denying the status of the first respondent as the wife of the deceased. The petitioners have earlier filed Tr.C.M.P.No.3533 of 2005 before the Principal Bench of this Court seeking transfer of MCOP.No.295 of 2004 from the file of the Sub Court, Gobichettipalayam to the file of the Sub Court, Virudhunagar to be tried along with MCOP.No.233 of 2004 filed by them.

4.This Court has rejected the said petition by an order, dated 19.03.2005, on the ground that the accident had occurred at Gobichettipalayam. The deceased was practising as doctor at Gobichettipalayam and the third party eyewitness is also residing at Gobichettipalayam. Therefore MCOP.No.233 of 2004 filed by the petitioners herein before Sub Court, Virudhunagar was also withdrawn and transferred to the file of the Sub Court, Gobichettipalayam to be heard along with MCOP.No.295 of 2004, by order, dated 19.03.2005 made in Tr.C.M.P.No.1843 and 3533 of 2005. The present applications have been filed for transfer of the said MCOPs from the file of the Court at Gobichettipalayam to Aruppukkottai.

<https://hcservices.ecourts.gov.in/hcservices/>

5. I do not think this prayer could be entertained. It is claimed that the first petitioner namely, Thulasibai, aged 71



years, is unable to travel long distance. The other two petitioners namely, Balakrishnan and Kamalatchi, who are the brother and sister of the deceased can very well conduct the proceedings before the Court at Gobichettipalayam. Therefore I see no merits in these applications. Hence, these Transfer Civil Miscellaneous Petitions are dismissed. Consequently, connected miscellaneous petitions are also dismissed. No Costs.

Sd/-

ASSISTANT REGISTRAR (CS-II)

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To

1.The Sub Judge, Gobichettipalayam.

2.The Sub Judge, Aruppukottai.

+1CC TO MR.P.SANTHOSH KUMAR,ADVOCATE,SR NO.60309

+1 CC TO MA.P.THANGAVEL, ADVOCATE,SR.NO.59905

+2 CCS TO MR.J.S.MURALI, ADVOCATE,SR NOS.60021&60022

PJL

MAS/JC/SAR2:22.06.2017:3P-7C

TR.CMP (MD) Nos.381
and 382 of 2015
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