



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :26.04.2017

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN**

Tr.C.M.P (MD) No.136 of 2017  
in  
C.M.P (MD) No.3130 of 2017

1.Mariyammal  
2.Hemalatha  
3.Selvakumar  
4.Manjula  
5.Karthikeyan  
6.Anitha  
7.Bhuvaneshwari

... Petitioners

Vs.

1.Mohan  
2.M/s.United India Insurance Company Limited,  
No.4/700V, Thiru Erumbeeswarar Nagar,  
(Near Sree Sweets),  
New Town Bus Stop,  
Trichy.  
Having its branch office  
South Main Street,  
Thanjavur town and Munsifi

... Respondents

Petition filed under Section 24 of the Code of Civil Procedure 1908, to withdraw the case in M.C.O.P.No.476 of 2016 on the file of the Special District Judge, (Motor Accident Claims Tribunal), Thanjavur and transfer the same to any other Court of any other District.

For Petitioners :Mr.G.Karnan

For Respondents 1 and 2 :No appearance

#### ORDER

The petitioner seeks transfer of the claim petition in M.C.O.P.No.476 of 2016 from the file of the Special District Judge, (Motor Accident Claims Tribunal) Thanjavur to any other Court.

2.In the affidavit filed in support of the Transfer petition, certain allegations have been made against the Presiding Officer. Since the allegations were made against the Presiding Officer, it is necessary for report from the Special District Judge, Motor Accidents Claims Tribunal, Thanjavur who in turn submitted her report.



3.It is seen from the report that after the comment as alleged by the petitioner on 15.11.2016, the case has been adjourned to at least 14 times for the respondents' evidence. The petitioner has not raised any issue at that time. Therefore, there is no ground made out for transfer of the proceedings from the Court of the Special Judge (Motor Accident Claims Tribunal), Thanjavur. However, from the report of the learned Special District Judge, Thanjavur, it is seen that the petitioners' evidence is closed on 15.12.2016 itself and the case has been adjourned for respondents' evidence till 27.02.2017 for merely 2 months without any claim but the report also disclosed that evidence was closed on 27.02.2017 and the petitioner's side arguments were heard on 02.03.2017.

4.Therefore, the learned Special District Judge (Motor Accident Claims Tribunal), Thanjavur is requested to dispose of the M.C.O.P.No.476 of 2016 on merits without being influenced by any of the allegations made in the affidavit filed in support of this petition on or before 30.06.2017.

5.The Transfer Civil Miscellaneous Petition is disposed of. No costs. Consequently, C.M.P(MD)No.3130 of 2017 is closed.

6.Post the matter for compliance on 30.06.2017.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1.The Special District Judge,  
(Motor Accident Claims Tribunal), Thanjavur.

2.The Section officer,  
Judicial Posting.  
(To watching the posting)

+1cc to M/S.G.Karnan,Advocate,SR.54092

Tr.C.M.P(MD)No.136 of 2017  
and  
C.M.P(MD)No.3130 of 2017  
26.04.2017

RMI/VSG

KK/SVMMS/SAR2-07.06.2017-2P-4C