



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :22.09.2017

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THE HONOURABLE MRS.JUSTICE J. NISHA BANU

TR.C.M.P (MD)No.362 of 2017

and

C.M.P. (MD)No.7409 of 2017

1.Mahalakshmi

2.Minor.Guruprasath

Rep. by Natural Guardian

Mother Aishwarya @ Mahalakshmi ...Petitioners/Respondents 4 & 5

Vs.

1.G.Kumar

2.K.Rani

3.Minor K.Santhosh

... Respondents 1 to 3/Petitioners 1 to 3

4.Balakrishnan

5.C.Thambranathan

6.The Oriental Insurance Company Ltd.,

M.s Viveka Towers,

1st Floor, No.65,

Bahavani main Road,

Perundurai.

...Respondents 4 to 6/Respondents 1 to 3

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the transfer the M.C.O.P.1156 of 2015 pending on the file of the Motor Accident Claims Tribunal/Sub-Court, Dharapuram to the Motor Accident Claims Tribunal/District Judge, Karur.

For Petitioners : Mr.M.Mohan Gandhi

For R1 to R5 : No appearance

For R6 : Mr.C.Jawahar Ravindran

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the M.C.O.P.1156 of 2015 pending on the file of the Motor Accident Claims Tribunal/Sub Court, Dharapuram, Tiruppur to the file of the Motor Accident Claims Tribunal/District Judge, Karur.



Tower Technician, met with an accident, which took place on 10.08.2015 at about 22.30 hours on Coimbatore - Karur main road, near Sri Abirami Hollow Blocks Company, Kolunji Kattu Valasu, Olappalayam and in the said accident, her husband died on the spot. Therefore, she filed a claim petition in M.C.O.P.No.525 of 2015 before the Motor Accident Claims Tribunal/District Judge, Karur and in the above said claim petition, parents of her husband were impleaded as party respondents and the said claim petition is pending.

3. The petitioner would further aver that thereafter, the petitioner came to know that the parents of her husband filed another claim petition in M.C.O.P.No.1156 of 2015 on the file of the Motor Accident Claims Tribunal-Sub-Judge, Dharapuram, seeking compensation for the death of their son, namely the husband of the petitioner and the said claim petition is also pending.

4. The learned counsel appearing for the petitioners submitted that both the claim petitions have been filed for the very same relief and therefore, both the claim petitions are to be heard together before one Tribunal. He further submitted that the first petitioner is having a minor child aged about two years and she got no source of income and therefore, she finds it difficult to travel from Karur to Dharapuram for each and every hearing and therefore, she prays for transfer of M.C.O.P.No.1156 of 2015 from the file of the Motor Accident Claims Tribunal/Sub-Judge, Dharapuram to the file of the Motor Accident Claims Tribunal/Sub-Judge, Karur.

5. Mr.C.Jawahar Ravindran, learned counsel takes notice for the sixth respondent and objected for transfer of the above said case.

6. Though notice has been served and the names were printed in the cause-list, the respondents 1 to 5 have not chosen to appear before this Court either in person or through counsel.

7. Taking into consideration the above facts and circumstances of the case, I am satisfied with the reasons stated in the affidavit filed in support of this petition and therefore, in the interest of justice, this Transfer Civil Miscellaneous Petition is allowed with the following directions:-

i) The learned Judge, Motor Accident Claims Tribunal/Sub-Court, Dharapuram Tiruppur, is directed to transmit the entire records in M.C.O.P.No.1156 of 2015 of the file of the Motor Accident Claims Tribunal/District Judge, Karur, within a period of two weeks from the date of receipt of copy of this order.



ii) The learned Judge, Motor Accident Claims Tribunal/District Judge, Karur, after obtaining the records on transfer, is directed to try the M.C.O.P.No.1156 of 2015 along with M.C.O.P.No.525 of 2015 and to dispose of the same as expeditiously as possible, in accordance with law.

No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1.The Sub Judge, Motor Accident Claims Tribunal/
Dharapuram., Tiruppur District.

2.The District Judge, Motor Accident Claims Tribunal/
Karur.

+1cc to M/S.S.M.MOHAN GANDHI, Advocate SR.No.80755

pm

MAS/SKN-RSK/SAR1:04.10.2017:3P-4C

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