

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.372 of 2017
and C.M.P.No.7314 of 2017

The Cholamandalam MS General Insurance Company Limited,
HUBB, No.163, Hari Nivas Building,
Thambuchety Street,
Parrys, Chennai 600 001. ... Petitioner

Vs.

1.K.Sivakumar
2.R.Ganesan ... Respondents

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw M.C.O.P.No.133 of 2016 pending on the file of the Motor Accidents Claims Tribunal, Subordinate Court, Poonamallee and transfer the same to the file of the Motor Accidents Claims Tribunal, Small Causes Court, No.II, Chennai to be tried along with M.C.O.P.No.1344 of 2016.

For Petitioner : Mr.N.Vijayaraghavan

For Respondents : No Appearance

O R D E R

This petition is filed to withdraw M.C.O.P.No.133 of 2016 pending on the file of the Motor Accidents Claims Tribunal, Subordinate Court, Poonamallee and transfer the same to the file of the Motor Accidents Claims Tribunal, Small Causes Court, No.II, Chennai for disposal along with M.C.O.P.No.1344 of 2016.

2.The petitioner/insurance company is the second respondent, first respondent is the claimant and second respondent is the first respondent in M.C.O.P.No.133 of 2016 on the file of the Motor Accident Claims Tribunal, Subordinate Court, Poonamallee and in M.C.O.P.No.1344 of 2016 on the file of the Motor Accidents Claims Tribunal, Small Causes Court, No.II, Chennai.

3.According to the petitioner, the first respondent filed

two M.C.O.P.No.133 of 2016 on the file of the Motor Accidents Claims Tribunal, Subordinate Court, Poonamallee and M.C.O.P.No.1344 of 2016 on the file of the Motor Accidents Claims Tribunal, Small Causes Court, No.II, Chennai, claiming compensation for the injuries sustained by him in one and the same accident that occurred on 02.01.2016. The first respondent is entitled to file only one claim petition for compensation in respect of accident. The first respondent has abused the process of Court by filing two claim petitions and prayed to transfer M.C.O.P.No.133 of 2016 pending on the file of the Motor Accidents Claims Tribunal, Subordinate Court, Poonamallee to the file of the Small Causes Court, No.II, Chennai to be tried along with M.C.O.P.No.1344 of 2016.

4.Heard the learned counsel for the petitioner. Though notice is served on the first respondent/claimant and his name is printed in the cause list, there is no representation for him either in person or through counsel.

5.From the materials available on record, it is seen that the first respondent has filed two claim petitions viz., M.C.O.P.No.133 of 2016 on the file of the Motor Accidents Claims Tribunal, Subordinate Court, Poonamallee and M.C.O.P.No.1344 of 2016 on the file of the Motor Accidents Claims Tribunal, Small Causes Court, No.II, Chennai, claiming compensation for the injuries sustained by him in one and the same accident. In view of the same, M.C.O.P.No.133 of 2016 is ordered to be withdrawn from the file of the Motor Accidents Claims Tribunal, Subordinate Court, Poonamallee to the file of the Motor Accidents Claims Tribunal, Small Causes Court, No.II, Chennai, to be tried along with M.C.O.P.No.1344 of 2016 in the interest of justice, in order to avoid multiplicity of proceedings and conflicting judgments being delivered by two different Courts. The learned Motor Accidents Claims Tribunal, Subordinate Judge, Poonamallee, is directed to transmit all the records pertaining to M.C.O.P.No.133 of 2016 to the file of the Motor Accidents Claims Tribunal, Small Causes Court, No.II, Chennai within a period of two weeks from the date of receipt of a copy of this order.

6.Accordingly, this Transfer Civil Miscellaneous petition is ordered. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Deputy Registrar

//True copy//

Sub Assistant Registrar

gsa

To

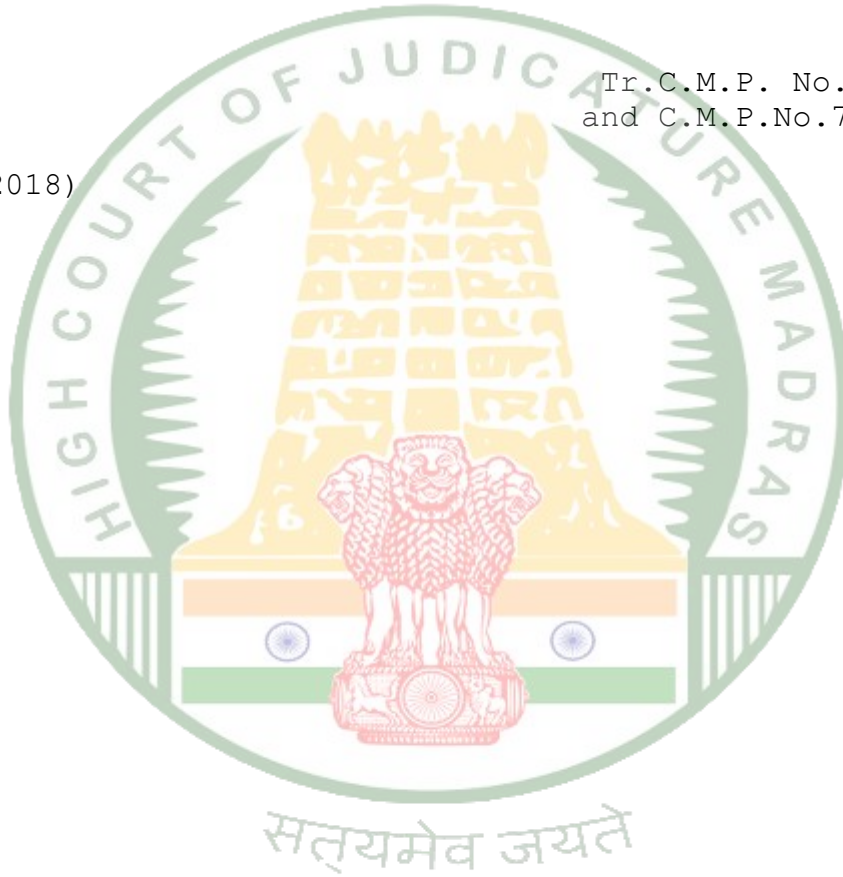
1.The Motor Accidents Claims Tribunal,
Small Causes Court, No.II,
Chennai.

2.The Motor Accidents Claims Tribunal,
Subordinate Judge,
Poonamallee.

+1cc to Mr.N.Vijaya Ragavan, Advocate SR.No.27383

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GN(08/05/2018)



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