

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2018

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.658 of 2017
and C.M.P.No.12907 of 2017

N.Mohan

... Petitioner

Versus

1.R.Murugesan

2.Muniyammal

3.The Chief Executive Claim Officer,
Reliance General Insurance Company Ltd.,
Reliance House,
6th Floor, No.6, Haddows Road,
Nungambakkam,
Chennai - 6.

... Respondents

Prayer : Petition has been filed under Section 24 of the Civil Procedure Code praying to withdraw the M.C.O.P.No.1277/2017 pending on the file of the Small Causes Court -II (Motor Accidents Claim Tribunal No.2), Chennai and transfer the same to the learned Motor Accidents Claims Tribunal, Gingee and tried along with M.A.C.T.O.P.No.109/2016.

For Petitioner : Mr.K.Thiruvengadam

For Respondents : Ms.E.Palani
for R1 and R2
Ms.Harini
for Mr.M.B.Raghavan, for R3

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O R D E R

This petition is filed to withdraw the M.C.O.P.No.1277/2017 pending on the file of the Small Causes Court -II (Motor Accidents Claim Tribunal No.2), Chennai and transfer the same to the learned Motor Accidents Claims Tribunal, Gingee to be tried along with M.A.C.T.O.P.No.109/2016.

2. The owner of the vehicle is the transfer petitioner seeking transfer of claim petition MCOP No.1277 of 2017 pending on the Small Causes Court - II (Motor Accidents Claim Tribunal No.2) Chennai to Motor Accidents Claims Tribunal, Gingee to be tried along with M.A.C.T.O.P.No.109 of 2016. There cannot be two claim petitions with respect to the same accident by the same person. This Court had summoned the claimant Muniyammal/second respondent to appear before this Court. On enquiry she deposed that she did not give instruction to the counsel at Gingee to file a claim petition before the M.A.C.T. Gingee, she had only authorised the counsel in Chennai to file M.C.O.P.No. 1277 of 2017 and she also undertook to withdraw the M.C.O.P before the Gingee Court. In the meanwhile, the counsel for the Insurance Company was asked to settle the matter by Mediation but there was no co-operation from the counsel for the Insurance Company. As there cannot be two petitions for the same claim, only one petition can continue. However, it is stated by the counsel for the claimant that the counsel in M.A.C.T., Gingee had not co-operated for the withdrawal of the petition. Therefore the M.A.C.T.O.P.No.109 of 2016 pending on the file of the M.A.C.T., Gingee is transferred to the Small Causes Court II (M.A.C.T No.2), Chennai to be tried along with M.C.O.P.No.1277 of 2017. In the event of transfer M.A.C.T No.2, Chennai can strike any one of the claim petitions and proceed only with one.

3. With the above observations, the transfer petition is disposed of. No costs. Consequently connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

सत्यमेव जयते Sub Assistant Registrar

dpq

To

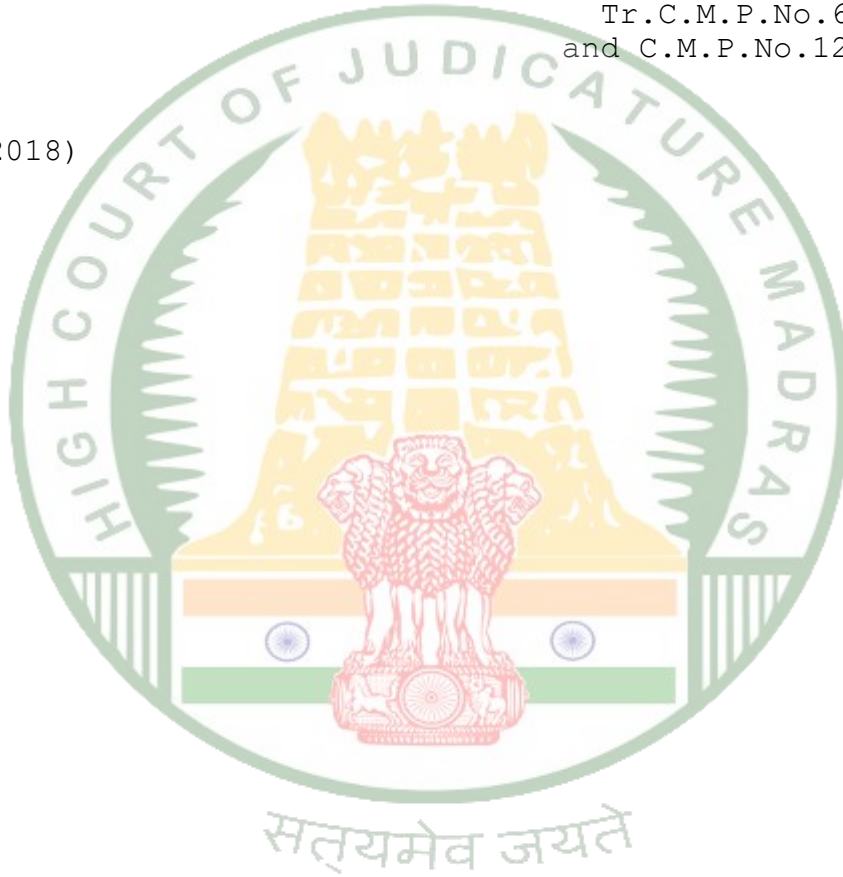
1. The Small Causes Court -II
(Motor Accidents Claim Tribunal No.2),
Chennai.
2. The Motor Accidents Claims Tribunal,
Gingee.

3.The Chief Executive Claim Officer,
Reliance General Insurance Company Ltd.,
Reliance House,
6th Floor, No.6, Haddows Road,
Nungambakkam, Chennai - 6.

+1cc to Mr.K.THIRUVENGADAM, Advocate, S.R.No.22003
+1cc to Mr.E.PALANI Advocate, S.R.No. 22485

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PPA(CO)
TR(20/04/2018)



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