

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 18.09.2018

PRONOUNCED ON : 19.09.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Transfer CMP.Nos.186, 187, 189 & 190 of 2015

Bajai Allianz General Insurance Co.Ltd.,
Door No.11, People's Park, 3rd floor,
Government Arts College Road,
Coimbatore 18.

...Petitioner All Tr.CMPs

Vs.

1.Sahul Hameed
2.Dhatchayini

...Respondents All Tr.CMPs

Prayer :- Transfer Civil Miscellaneous Petitions have been filed under Section 24 of CPC to withdraw MCOP Nos.622, 621, 623 & 624 of 2012 now pending on the file of the Motor Accident Claims Tribunal (Principal District Court), Namakkal and transfer to the Motor Accident Claims Tribunal (1st Additional District Court), Vellore to be tried alongwith M.C.O.P.138 of 2013.

For Petitioner : Mr.S.Manohar
in all Tr.CMPs.

For Respondent : Mr.A.R.Suresh
No.1 all Tr.CMPs

Respondent No.2 : No appearance
set exparte vide order
dated 18.09.2018

COMMON ORRDER

Materials placed on record go to show that in respect of an accident involving Mahindra Xylo Passenger Van bearing Registration No.TN-23-AR-9824 on 29.04.2012 near Amman Service Station and Thanneerpandal Bridge, while it was travelling one kilometer east of Keerambur Check Post, the abovesaid vehicle hit against central median and several passengers, who had travelled in the said vehicle, sustained injuries and of them, four had succumbed to the injuries and the injured persons and

the legal representatives of those, who had succumbed to the injuries caused in the abovesaid accident, had preferred various claim petitions and it is seen that of the claim petitions preferred, eight are pending on the file of the Motor Accident Claims Tribunal, (The First Additional District Court,) Vellore and four are pending before the Motor Accident Claims Tribunal, (Principal District Court, Namakkal). Accordingly, contending that inasmuch as all the abovesaid claim petitions had been preferred arising out of the same accident and claiming that common issues are involved in respect of the various claims made by the claimants in the abovesaid petitions, the Insurance Company viz., the petitioner, putting forth that by way of joint trial of all the claim petitions together by one and the same Court would be beneficial to the claimants as well as the insurance company and by way of the same, conflict of decisions could also be avoided, accordingly, seeking the transfer of four claim petitions pending on the file of the Motor Accident Claims Tribunal, (Principal District Court,) Namakkal to the file of the Motor Accident Claims Tribunal, (The First Additional District Court,) Vellore, the present transfer CMPs have come to be laid.

2. The respondents, who had entered appearance, would contend that based on the cause of action available to them, they had preferred the claim petitions before the claims tribunal at Namakkal Court and accordingly, also conceded that the common adjudication of all the claim petitions together by one and the same Court would be beneficial to the claimants as well as the Insurance Company defending the abovesaid claim petitions.

3. Considering the fact that of the 12 claim petitions preferred, out of the same accident, eight are pending on the file of the Motor Accident Claims Tribunal, (The First Additional District Court), Vellore and only four are pending on the file of the Motor Accident Claims Tribunal, (The Principal District Court,) Namakkal, accordingly, in my considered opinion, taking into consideration the various factors as abovenoted, the consolidation of all the claim petitions together and determination of the same by one and the same Court would serve the interest of the parties involved therein as well as advance the cause of justice and also by way of the same, conflict of decisions could also be avoided.

4. In such view of the matter, MCOP Nos.621 of 2012, 622 of 2012, 623 of 2012 and 624 of 2012 are withdrawn from the file of the Motor Accident Claims Tribunal, (Principal District Court,) Namakkal and transferred to the file of the Motor Accident Claims Tribunal, (The First Additional District Court,) Vellore for joint trial along with MCOP No.138 of 2013 and the other claim petitions pertaining to the abovesaid accident.

Accordingly, the Transfer Civil Miscellaneous Petitions are allowed. Consequently, connected Miscellaneous petitions, if any, are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

sms

To

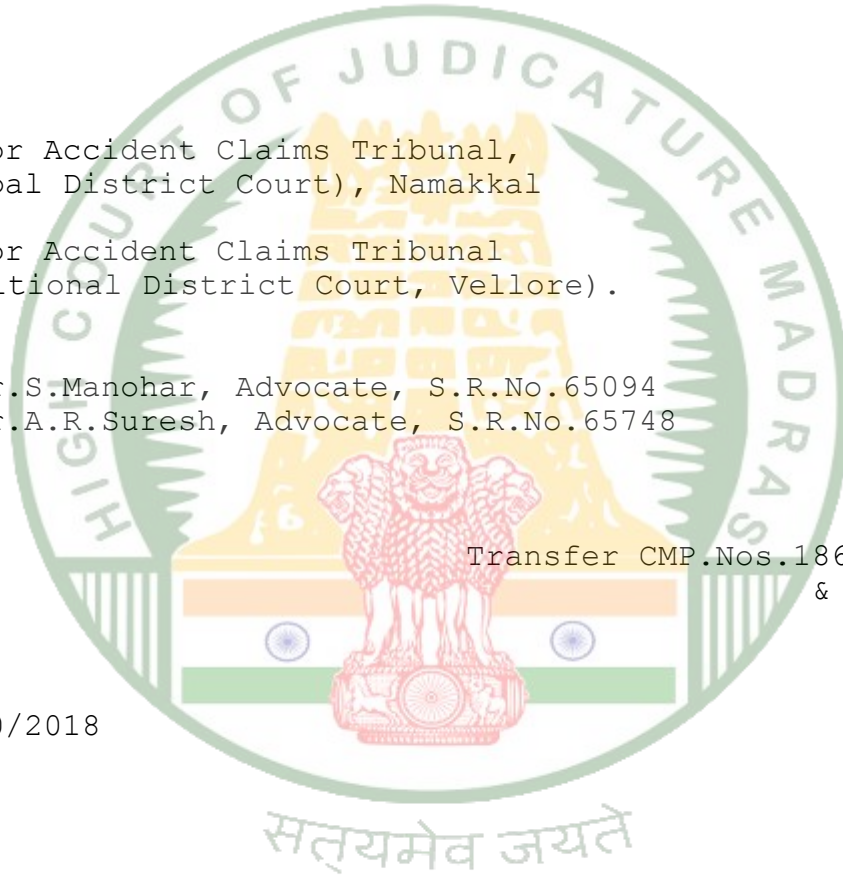
- 1.The Motor Accident Claims Tribunal,
(Principal District Court), Namakkal
- 2.The Motor Accident Claims Tribunal
(1st Additional District Court, Vellore).

+1cc to Mr.S.Manohar, Advocate, S.R.No.65094
+1cc to Mr.A.R.Suresh, Advocate, S.R.No.65748

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RK(CO)

rrs 22/10/2018



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