

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.509 of 2015

and M.P.No.1 of 2015

1.E.Sivakalaimagal

2.Minor E.Sivathilaga

3.Minor E.Deebika

4.Minor E.Dilip

(The petitioners 2 to 4 being
minors are represented by the
1st petitioner (mother and natural
guardian))

... Petitioners

Vs.

1.Nagarajan

2.New India Assurance Co. Ltd.,
Divisional Office, "Rekha Towers"
248-B, Kamarajar Salai
Madurai-625 009
(Through its Divisional Manager)

3.M.Sivanandi

4.S.Pechiammal

... Respondents

Prayer:- Petition is filed under Section 24 of C.P.C. to
withdraw M.A.C.T.O.P.No.158 of 2013 pending on the file of the
Motor Accidents Claims Tribunal, (Special Additional District
Court), Madurai and transfer the same to the file of the
Principal District Court, Nagapattinam.

For Petitioners

: Mr.S.Giritharan

For R1 and R2

: No appearance

For R3 and R4

: Mr.Jerry V.V.Sundar

O R D E R

This petition is filed to withdraw M.A.C.T.O.P.No.158 of
2013 pending on the file of the Motor Accidents Claims

Tribunal, (Special Additional District Court), Madurai and transfer the same to the file of the Principal District Court, Nagapattinam.

2.The first petitioner along with her minor children/petitioners 2 to 4, father-in-law and mother-in-law/respondents 3 and 4 filed claim petition claiming compensation for the death of one Eswaran, who is the husband of the first petitioner, father of the petitioners 2 to 4 and son of the respondents 3 and 4 before the Motor Accidents Claims Tribunal, (Special Additional District Court), Madurai.

3.According to the first petitioner, after the death of her husband, she was residing with her mother at Goripalayam, Madurai along with her minor children. She filed claim petition along with others before the Court at Madurai. Subsequently, there is no protection for her from her in-laws and mother at Madurai and therefore, she has shifted her residence to Nagapattinam along with her minor children. The minor children/petitioners 2 to 4 are studying VI, IV and II standard at J.J.Matriculation School, Nagapattinam. The distance between Nagapattinam and Madurai is more than 290 kilometers and hence, it is very difficult for her to travel such a long distance along with her minor children. Further, her brother-in-law is threatening her over phone. In the circumstances, the petitioner has come out with the present Tr.C.M.P. to transfer M.A.C.T.O.P.No.158 of 2013 pending on the file of the Motor Accidents Claims Tribunal, (Special Additional District Court), Madurai to the file of the Principal District Court, Nagapattinam.

4.The learned counsel for the respondents 3 and 4 submitted that the respondents 3 and 4, who are parents of the deceased Eswaran, are aged persons and hence, it will be difficult for them to travel from Madurai to Nagapattinam to attend the Court proceedings.

5.Heard the learned counsel for the petitioner as well as the respondents 3 and 4 and perused the materials available on record. Though notice was served on the respondents 1 and 2 and their names are printed in the cause list, there is no representation on behalf of them either in person or through counsel.

6.Considering the rival contentions made by both sides, it is clear that the difficulty faced by the petitioner to attend the Court proceedings at Madurai is more than the difficulty that the respondents 3 and 4 may face to attend the Court proceedings at Nagapattinam.

7.For the above reason, the Transfer Civil Miscellaneous Petition is ordered. The petition in M.A.C.T.O.P.No.158 of 2013 is ordered to be withdrawn from the file of the Motor Accidents Claims Tribunal, (Special Additional District

Court), Madurai and transferred to the file of the Principal District Court, Nagapattinam. The learned Special Additional District Judge, Madurai, is directed to transmit all the records pertaining to M.A.C.T.O.P.No.158 of 2013 to the file of the Principal District Court, Nagapattinam, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the records, the learned Principal District Judge, Nagapattinam, is directed to dispose of the case, as expeditiously as possible, in any event not later than six months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

-sd/-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Principal District Judge, Nagapattinam.

2.The Motor Accidents Claims Tribunal
Special Additional District Judge, Madurai.

+1 C.C. to Mr.Jerry V.V.Sundar, Advocate SR.NO. 28169 dt
16/4/18.

+1 C.C. to MR.S.Giritharan Advocate SR.NO. 28014
dt16/4/18

सत्यमेव जयते

Tr.C.M.P. No.509 of 2015
and M.P.No.1 of 2015

AO (CO)

VS 11.05.2018

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