

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. Nos.342 and 343 of 2018
and C.M.P.Nos.8763 and 8764 of 2018

B.Prasanna ... Petitioner in
both Tr.CMPs.

Vs.

1.R.Porkodi ... 1st Respondent in
Tr.C.M.P.No.342 of 2018

1.Minor Manikandan
Represented by mother and next
friend R.Porkodi (petitioner in
Tr.C.M.P.No.342 of 2018) ... 1st Respondent in
Tr.C.M.P.No.343 of 2018

2.ICICI Lombard General Insurance Co. Ltd.,
No.42, First floor
E.C.R. Main road
Pondicherry-1.
Actually having office at
No.140, Uthamar gandhi road
Nungambakkam, Chennai-34. ... 2nd respondent in
both Tr.CMPs.

Prayer in Tr.C.M.P.No.342 of 2018:- Petition is filed under Section 24 of C.P.C., to withdraw M.C.O.P.No.632 of 2016 pending on the file of II Additional District Court (Motor Accident Claims Tribunal) Poonamallee and transfer to the file of IV Small Causes Court (Motor Accident Claims Tribunal), Chennai, to be tried along with M.C.O.P.No.3754 of 2017 pending on its file.

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In both Tr.CMPs.

For Petitioner	: Mr.A.Shanmugaraj
For R1	: No appearance
For R2	: Mrs.R.Sreevidhya

C O M M O N O R D E R

The Transfer Civil Miscellaneous Petitions are filed to withdraw M.C.O.P.Nos.632 and 633 of 2016 pending on the file of II Additional District Court (Motor Accident Claims Tribunal), Poonamallee and transfer to the file of IV Small Causes Court (Motor Accident Claims Tribunal), Chennai, to try along with M.C.O.P.No.3754 of 2017 pending on its file.

2.In both the Transfer Civil Miscellaneous Petitions, the issues and the parties are one and the same and hence, they are disposed of by this common order.

3.According to the petitioner, both the petitioner and first respondents in the present Transfer Petitions had sustained injuries in the accident that took place on 18.09.2016. The petitioner filed M.C.O.P.No.3754 of 2017 claiming compensation and the same is pending before IV Small Causes Court, Chennai. The first respondents have also filed M.C.O.P.Nos.632 and 633 of 2016 respectively, claiming compensation and the same is pending before II Additional District Court (Motor Accident Claims Tribunal), Poonamallee.

4.The learned counsel for the petitioner contended that if all the three cases are tried separately, conflicting decisions will be rendered by two different Courts and the petitioner will be seriously prejudiced.

5.The learned counsel appearing for the second respondent/Insurance company submitted that the second respondent has no objection to transfer the M.C.O.Ps. pending on the file of II Additional District Court (Motor Accident Claims Tribunal), Poonamallee, to the file of IV Small Causes Court (Motor Accident Claims Tribunal), Chennai, to try along with M.C.O.P.No.3754 of 2017 filed by the petitioner.

6.Heard the learned counsel for the petitioner as well as second respondent and perused the materials available on record. Though notice was served on the first respondents and their

names are printed in the cause list, there is no representation on behalf of them either in person or through counsel.

7. In view of no objection given by the learned counsel for the second respondent, without deciding the issue on merits, the petitions in M.C.O.P.Nos.632 and 633 of 2016 pending on the file of II Additional District Court (Motor Accident Claims Tribunal), Poonamallee, are ordered to be withdrawn and transferred to the file of IV Small Causes Court (Motor Accident Claims Tribunal), Chennai, to try along with M.C.O.P.No.3754 of 2017 filed by the petitioner, in order to avoid multiplicity of proceedings and conflicting judgments being delivered by two different Courts. The learned II Additional District Judge (Motor Accident Claims Tribunal), Poonamallee, is directed to transmit all the records pertaining to M.C.O.P.Nos.632 and 633 of 2016 to the file of IV Small Causes Court (Motor Accident Claims Tribunal), Chennai, within a period of two weeks from the date of receipt of a copy of this order.

8. Accordingly, the Transfer Civil Miscellaneous Petitions are ordered. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. II Additional District Judge,
(Motor Accident Claims Tribunal), Poonamallee.

2. IV Small Causes Judge
(Motor Accident Claims Tribunal)
Chennai.

+1cc to M/S.R.SreeVidhya, Advocate Sr.43644
+1cc to M/S.R.SreeVidhya, Advocate Sr.43594
+1cc to M/S.A.ShanmugaRaj, Advocate Sr.43076
+1cc to M/S.A.ShanmugaRaj, Advocate Sr.43075

Tr.C.M.P.Nos.342 and 343 of 2018
and C.M.P.Nos.8763 and 8764 of 2018

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srg 3/8/2018