

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.386 of 2018

and C.M.P.No.10294 of 2018

P.Palaniyammal

... Petitioner

Vs.

1.Paramasivam
2.R.Dhanakumar
3.S.Kavitha

4.National Insurance Company Limited
Having office at Door No.74-A
Paramathy road
Namakkal-637 001.

... Respondents

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw M.C.O.P.No.200 of 2018 pending on the file of the Special District Court (MACT), Dharmapuri and transfer the same to the file of the Special District Court (MACT), Erode, to try along with M.C.O.P.No.279 of 2018 pending on its file.

For Petitioner : Mr.P.Parthi Kannan

For R1 : Mr.P.Mani

For R2 to R4 : No appearance

सत्यमेव जयते
O R D E R

This petition is filed to withdraw M.C.O.P.No.200 of 2018 pending on the file of the Special District Court (MACT), Dharmapuri and transfer the same to the file of the Special District Court (MACT), Erode, to try along with M.C.O.P.No.279 of 2018 pending on its file.

2.According to the petitioner, son of the petitioner and first respondent died in the accident that took place on 05.10.2017. The petitioner filed M.C.O.P.No.279 of 2018 before the Special District Court (MACT), Erode, claiming compensation against the respondents 2 to 4. First respondent, who is father

of the deceased son, is not entitled to claim any compensation and he has also filed M.C.O.P.No.200 of 2018 on the file of the Special District Court (MACT), Dharmapuri. If both M.C.O.Ps. are tried separately, conflicting decisions will be rendered by two different Courts. In the circumstances, the petitioner has come out with the present Transfer Petition to transfer M.C.O.P.No.200 of 2018 pending on the file of the Special District Court (MACT), Dharmapuri, to the file of the Special District Court (MACT), Erode, to be tried along with M.C.O.P.No.279 of 2018 pending on its file.

3.The learned counsel for the first respondent contended that the petitioner is residing only at Dharmapuri and employer of the deceased is also in Dharmapuri and prayed for dismissal of the Transfer Petition.

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

5.Admittedly, petitioner/mother of the deceased son filed M.C.O.P.No.279 of 2018 and the same is pending on the file of the Special District Court (MACT), Erode. The first respondent/father of the deceased son filed M.C.O.P.No.200 of 2018 and the same is pending on the file of the Special District Court (MACT), Dharmapuri. In order to avoid multiplicity of proceedings and convenience of both the parties, the petition in M.C.O.P.No.200 of 2018 is ordered to be withdrawn from the file of the Special District Court (MACT), Dharmapuri and transferred to the file of the Special District Court (MACT), Erode, to be tried along with M.C.O.P.No.279 of 2018 filed by the petitioner. The learned Special District Judge (MACT), Dharmapuri, is directed to transmit all the records pertaining to M.C.O.P.No.200 of 2018 to the file of the Special District Court (MACT), Erode, 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/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

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To

1.The Special District Judge (MACT), Dharmapuri.

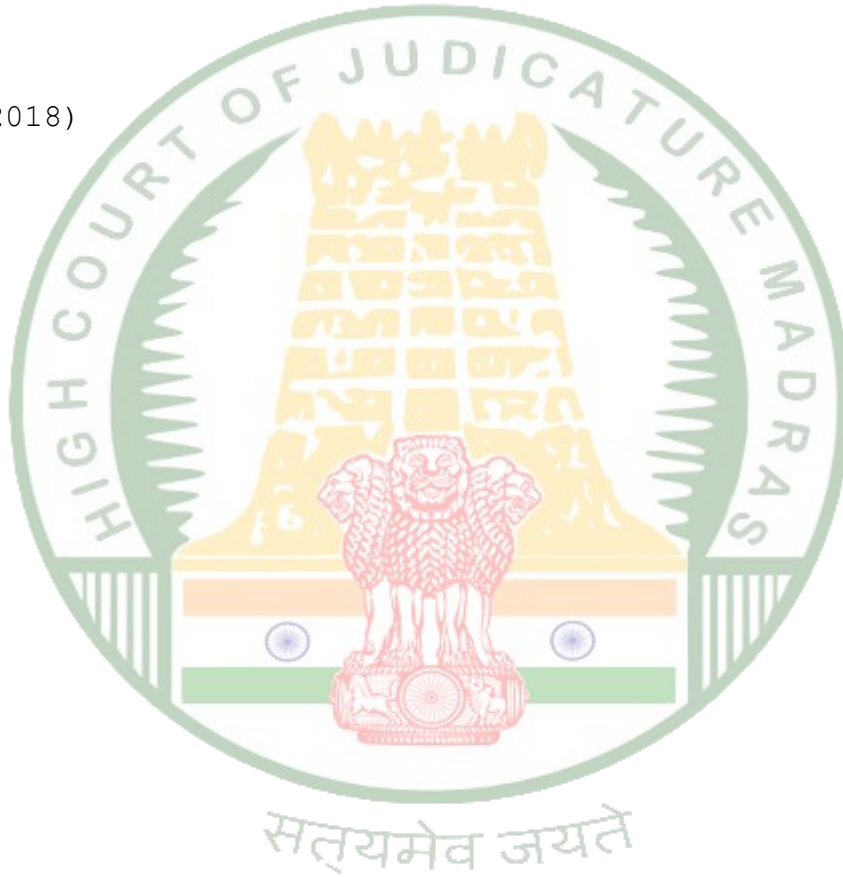
2.The Special District Judge (MACT), Erode.

+1cc to Mr.P.MANI, Advocate, S.R.No.47656

+1cc to Mr.S.KAITHAMALAI KUMARAN, Advocate, S.R.No. 47308

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BS (CO)
TR(07/08/2018)



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