

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.189 of 2016
and C.M.P.No.5347 of 2016

Lilly Mary

... Petitioner

Vs.

1.N.Boobalan

2.Iffco-Tokio General Insurance Company Ltd.,
Iffco Bhavan,
No.28, North Usman Road, T.Nagar,
Chennai - 17.

.... Respondents

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw M.C.O.P.No.801 of 2012 pending on the file of the Motor Accidents Claims Tribunal, Principal District Court, Poonamallee and transfer the same to the file of the Motor Accidents Claims Tribunal, Chief Small Causes Court, Chennai.

For Petitioner : Mr.K.Varadhakamaraj
For R1 : No Appearance
For R2 : Mr.C.R.Krishnamoorthy

O R D E R

This petition is filed to withdraw M.C.O.P.No.801 of 2012 pending on the file of the Motor Accidents Claims Tribunal, Principal District Court, Poonamallee and transfer the same to the file of the Motor Accidents Claims Tribunal, Chief Small Causes Court, Chennai. सत्यमेव जयते

2.The petitioner is the claimant and respondents are the respondents in M.C.O.P.No.801 of 2012 on the file of the Motor Accidents Claims Tribunal, Principal District Court, Poonamallee. She filed the said claim petition claiming compensation for the injuries sustained by her in the accident that occurred on 19.07.2012.

3.According to the petitioner, at the time of accident, she was residing at Poonamallee and she has filed the above claim petition in the Motor Accidents Claims Tribunal, Principal District Court at Poonamallee. Now, she has shifted her residence to permanent address at No.5/15, Mangalapuram, West

Tambaram, Chennai-45. The insurance company is having its office address at No.28, North Usman Road, T.Nagar, Chennai-17. If award is passed in her favour, it will be very difficult for her to execute the same. For the above reason she has come out with the present Transfer Civil Miscellaneous Petition to transfer M.C.O.P.No.801 of 2012 from the file of the Motor Accidents Claims Tribunal, Principal District Court, Poonamallee to the file of the Motor Accidents Claims Tribunal, Chief Small Causes Court, Chennai.

4.The learned counsel for the second respondent submitted that the second respondent has no objection for transferring the above said M.C.O.P.No.801 of 2012 to the file of the Motor Accidents Claims Tribunal, Chief Small Causes Court, Chennai.

5.Heard the learned counsel for the petitioner as well as the second respondent and perused the materials available on record.

6.On perusal of the affidavit filed in support of the Transfer Civil Miscellaneous Petition, it is seen that in the affidavit, the petitioner has given her address as though she is residing at Poonamallee. She has not even given her address at Tambaram. The petitioner has not filed any document to substantiate her claim that now she is residing at 5/15, Mangalapuram, West Tambaram, Chennai-45.

7.In view of the above facts, this Transfer Civil Miscellaneous Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Deputy Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

gsa
To

The Motor Accidents Claims Tribunal,
II Additional District Judge,
Poonamallee.

+1cc to Mr.C.R.Krishnamoorthy, Advocate, S.R.No.26111

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cs/17/05/18