

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2018

CORAM

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.301 of 2016

&

CMP.No.8272 of 2016

The Divisional Manager,
The IFFCO-TOKIO General Insurance Co. Ltd.,
Chennai

... Petitioner

Versus

1. Velvizhi
2. Minor Vinayagamoorthy
3. Vijayakumar
4. Minor Vijayabalan
5. Minor Vignesh
6. Minor Vimal Kumar
7. Suguna

... Respondents

Prayer: Petition filed under Section 24 of the Civil Procedure Code praying to withdraw and transfer MCOP No.1607/2011 from the file of Motor Accident Claims Tribunal, District Judge, Cuddalore to the file of Motor Accident Claims Tribunal, IV Court of Small Causes, Chennai.

For Petitioner : Mr.N.Vijayaraghavan

For R1,2,4 to 6 : Mr.T.Suresh

For R3 and R7 : No appearance

O R D E R

This Transfer Civil Miscellaneous Petition is filed seeking transfer of M.C.O.P No.1604 of 2011, pending on the file of Motor Accident Claims Tribunal, District Judge, Cuddalore to Motor Accident Claims Tribunal, IV Court of Small causes Chennai.

2. It is stated in the affidavit filed in support of this petition that the wife of the deceased along with minor has filed M.C.O.P.No.4686 of 2013, on the file of IV Small Causes Court, Chennai claiming compensation in respect of the death of

her husband in a motor accident. Yet another M.C.O.P.No.1607 of 2011 is pending on the file of Motor Accident Claims Tribunal, Cuddalore claiming compensation in respect of very same accident, which was filed by wife, minor son and the brothers of the deceased.

3. It is pointed out by the learned counsel for the Insurance Company that there are two claim petitions filed before different Courts by same parties, though in the M.C.O.P.No.1607 of 2011, brothers of the deceased were also added who are class-II heirs. To avoid any conflicting decisions and also make double claim for the very same accident, transfer is sought for by the Insurance Company.

4. The learned counsel for the claimants viz. wife and son of the deceased who are the first and second respondents herein states that wife had not given any consent or vakalat for conducting the case before the Motor Accident Claims Tribunal, Cuddalore.

5. In such circumstances, to find out truth and to avoid making any bogus claim, it would be appropriate to transfer the M.C.O.P.No.1607 of 2011 from Motor Accident Claims Tribunal, Cuddalore to Motor Accident Claims Tribunal, Chennai, to be tried along with M.A.C.T.No.4686 of 2013, which is also pending before the IV Court of Small Causes, Chennai.

4. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and the proceedings pending in M.C.O.P.No.1607 of 2011 is withdrawn from Motor Accident Claims Tribunal, Cuddalore and transferred to the file of Motor Accident Claims Tribunal, IV Court of Small Causes, Chennai, to be tried along with M.A.C.T.No.4686 of 2013. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
सत्यमेव जयते

Assistant Registrar(CS IV)

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Sub Assistant Registrar

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To

1. The Motor Accident Claims Tribunal, District Judge, Cuddalore

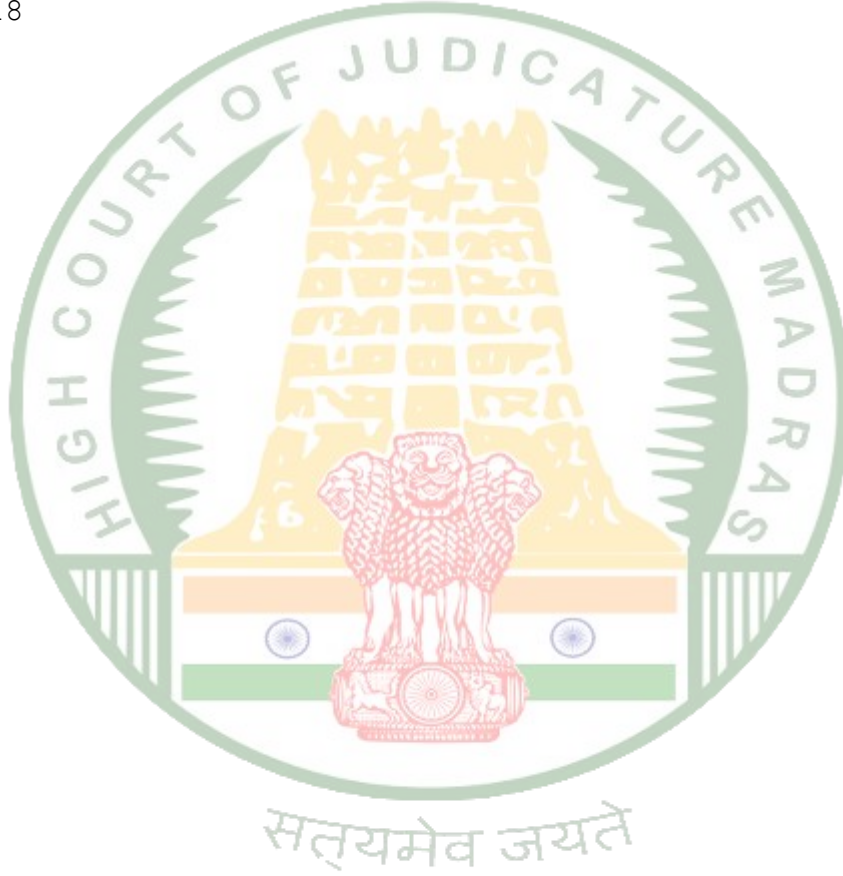
2. The Motor Accident Claims Tribunal,
IV Court of Small Causes, Chennai.

+1 CC to Mr.T.Suresh Advocate Sr.No.5886

+1 CC to Mr.N.Vijayaraghavan, Advocate Sr.No.5267

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AD (CO)
CS/15/02/18



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