

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 28.11.2018

CORAM:

THE HONOURABLE MR. JUSTICE R. PONGIAPPAN

Tr.C.M.P.Nos. 748 of 2017 and 749 of 2017
and
C.M.P.Nos.15280 of 2017 and 15281 of 2017

Royal Sundaram Aliance Insurance Co.Ltd.,
Corp. Off. Sundaram Towers,
No.45 & 46, Whites Road,
Chennai - 600 014.

Petitioner in both the Tr.CMPs.

Vs

1.N.Vinodhkumar
2.Dr.T.Ramkumar

Respondents in Tr.C.M.P.No.748 of 2017

1.Mrs.D.Kousalya
2.Dr.T.Ramkumar

Respondents in Tr.C.M.P.No.749 of 2017

Prayer in Tr.C.M.P.No.748 of 2017: Transfer Civil Miscellaneous Petition filed under Section 24 (1) (b) (ii) of Code of Civil Procedure to withdraw the M.C.O.P.No.43 of 2015 pending on the file of Motor Accident Claims Tribunal, coimbatore and to transfer the same to the file of the Motor Accident Claims Tribunal, Madurai, to try along with the M.C.O.P.No.454 of 2016.

Prayer in Tr.C.M.P.No.749 of 2017: Transfer Civil Miscellaneous Petition filed under Section 24 (1) (b) (ii) of Code of Civil Procedure to withdraw the M.C.O.P.No.301 of 2015 pending on the file of Motor Accident Claims Tribunal, Coimbatore, and to transfer the same to the Motor Accident Claims Tribunal, Madurai to try along with the case in M.C.O.P.No.454 of 2016.

For Petitioner : Mr.G.Vasudevan

For Respondents : No appearance

O R D E R

The Transfer Civil Miscellaneous Petitions are filed for the relief to withdraw the case in M.C.O.P.Nos.43 of 2015 and 301 of 2015 pending on the file of the learned Special Subordinate Judge, Motor accident Claims Tribunal, Coimbatore and to transfer the same to the Motor Accodent Claims Tribunal, Madurai to try along with the case in M.C.O.P.No.454 of 2016.

2. Today, when both the petitions are taken up for hearing, even after printing the name of the respondents in the

cause list, they have not appeared personally or through the advocate. The learned counsel appearing for the petitioner is present.

3. The learned counsel appearing for the petitioner would submit that both the petitions now required to be transferred to Madurai and M.C.O.P.No.454 of 2016 pending on the file of the Claims Tribunal are arises out of a same accident. The learned counsel further contented that the documents and the witnesses pertaining to all cases are one and the same and therefore, joint trial will be convenient to all the parties concerned and also to the petitioner in these petitions. According to him, apart from the cases pending on the file of the Claims Tribunal, Coimbatore, some other cases filed by various persons who travelled in the Innova Car which was responsible for the accident, is also pending before the Claims Tribunal, Madurai.

4. Now, on considering the said submission made by the counsel appearing for the petitioner, it is true if all the said cases are tried in various Courts, there may be a chance for coming out the conflict of decision. Since, there is no restriction for transferring M.C.O.Ps. in the place of their choice, the present petitions for transfer need not to be rejected. Hence, the Transfer Civil Miscellaneous Petition Nos. 748 and 749 of 2018 are to be allowed.

5. Accordingly, the Transfer civil Miscellaneous Petitions are allowed. The case in M.C.O.P.Nos.301 of 2015 and 43 of 2015 is ordered to be withdrawn from the file of the learned Special Subordinate Judge, Motor Accident Claims Tribunal, Coimbatore and transferred to the Motor Accident Claims Tribunal, Madurai for trying along with the M.C.O.P.No.454 of 2016 in order to avoid conflicting judgments being delivered by two different Courts. The learned Presiding Officer, Motor Accident Claims Tribunal, Coimbatore, is directed to transmit all the records pertaining to M.C.O.P.No.301 of 2015 and M.C.O.P.No.43 of 2016 to the file of the Motor Accident Claims Tribunal, Madurai, within a period of two weeks from the date of receipt of a copy of this order. On receipt of records, the Motor Accident Claims Tribunal, Madurai, is directed to dispose of all the cases (i.e) M.C.O.P.Nos. 43 of 2015, 301 of 2015, and M.C.O.P.No.454 of 2016 as expeditiously as possible not later than 30.04.2019. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

sbn

To

1.The learned Special Subordinate Judge,
Motor Accident Claims Tribunal,
Coimbatore.

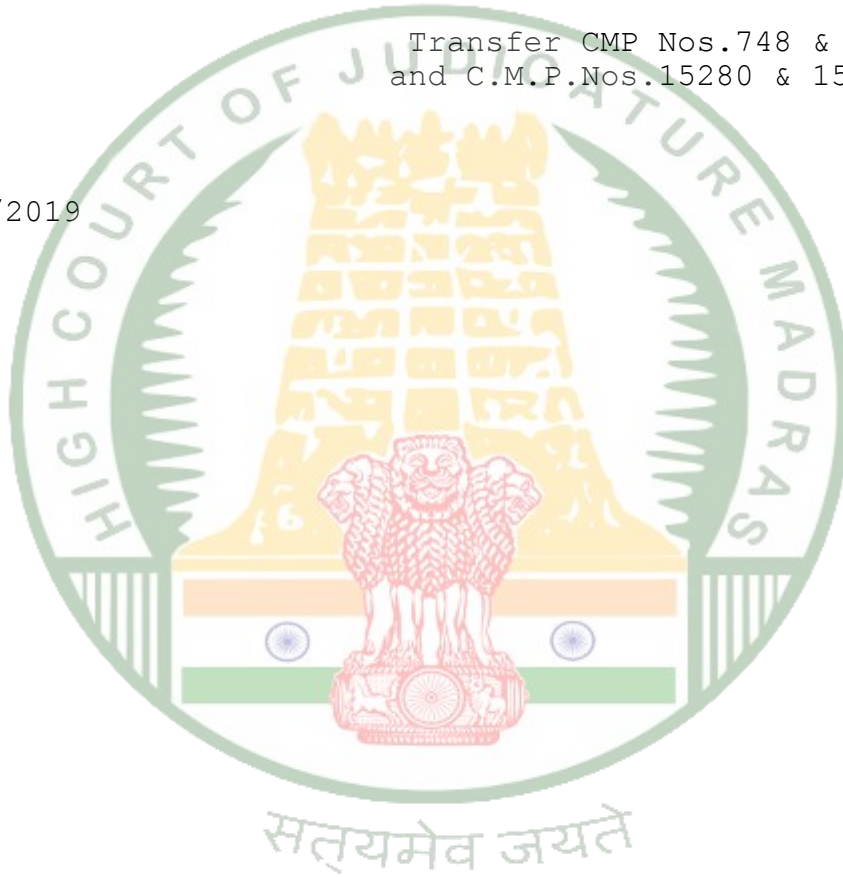
2.The Presiding Officer,
Motor Accident Claims Tribunal,
Madurai.

+lcc to Mr.G.Vasudevan, Advocate, S.R.No.81894

Transfer CMP Nos.748 & 749 of 2017
and C.M.P.Nos.15280 & 15281 of 2017

SS(CO)

rrs 08/02/2019



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