



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2018

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

TR. C.M.P(MD).No.88 of 2018
and
C.M.P(MD)No.1990 of 2018

R.Bhanumathi ... Petitioner/Respondent
Vs.

1.Jeyabalan
2.Anoto Arul Thiagarajan
3.Antoahallaya Binu ... Respondents/Petitioners

PRAYER:- Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1908, praying to withdraw the case in M.C.O.P.No.100 of 2018 on the file of the Motor Accidents Claims Tribunal (District Judge), Tirunelveli to the file of the District Court, Nagercoil.

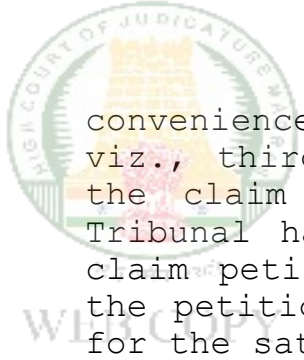
For petitioner :Mr.H.Velavadas
For respondents :Mr.P.Samuel Gunasingh

ORDER

The respondents herein, who are the legal heirs of victim of accident of negligent driving, have filed the claim petition in M.C.O.P.No.100 of 2018 on the file of the MACT, Tirunelveli, seeking compensation against the petitioner herein. While so, the petitioner has filed this petition seeking transfer of the said claim petition to the file of the District Court at Nagercoil.

2. The only ground on which the petitioner / respondent seeks transfer of the claim petition to the file of the District Court, Nagercoil is that though the respondents being residents of Kanyakumari District, they have purposefully filed the case at Tirunelveli, without submitting any proof of their residence at Tirunelveli. Refuting the same, the learned counsel for the respondents submitted that one of the claimants viz., third respondent is residing at Tirunelveli along with her husband and therefore, they have filed the claim petition at Tirunelveli and that the third respondent is ready to produce any one of the residential proofs viz., rental agreement, etc. for her temporary stay at Tirunelveli.

3. The provision in question in this case is a benevolent provision for the victims of accidents of negligent driving. The



convenience of the victims is paramount. Since one of the claimants viz., third respondent is stated to be a resident of Tirunelveli, the claim petition can be entertained at Tirunelveli. When the Tribunal has jurisdiction to entertain a claim petition, the said claim petition cannot be transferred at the whims and fancies of the petitioner, against whom the claim petition is filed. However, for the satisfaction of the petitioner, the third respondent, who is stated to be staying at Tirunelveli, is directed to file any one of the residential proofs at Tirunelveli before the Court below. On such production, the Court below shall conduct and dispose of the claim petition on merits and in accordance with law, as early as possible.

4. With the above direction, this petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar

To

1.The Motor Accidents Claims Tribunal /
District Judge, Tirunelveli.

+1CC TO M/S.H.VELAVADHAS, ADVOCATE, SR NO.58194
+1CC TO M/S.P.SAMUEL GUNASINGH, ADVOCATE, SR NO.58190

TR. C.M.P (MD) .No.88 of 2018
27.03.2018

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