



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 01.10.2018
CORAM
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

TR.C.M.P.(MD).No.322 of 2018 and
C.M.P.(MD)No.7908 of 2018 and
C.R.P.(MD).Nos.1792 to 1794 of 2018 and
C.M.P.(MD)Nos.7840 to 7842 of 2018

TR.C.M.P.(MD)No.322 of 2018

The Manager,
The New India Assurance Co. Ltd.,
3, Main Road, Dindigul.

... Petitioner/4th Respondent

-Vs-

1. Dr.S.Shanthi
2. Minor Nandhini
3. Minor Ushavarshini
(R-2 & R-3 are represented through their
mother and next friend 1st petitioner)
4. Sankarammai
5. K.Sudakaran

6. The Manager,
Bajaj Allianz General Insurance,
Legal Office No.184/25,
K.P.S.Shopping Arcade,
Bye Pass Road, Madurai - 10.

7. A.R.Thirupathi ... Respondents/Respondents

PRAYER: Transfer Civil Miscellaneous petition is filed under Section 24 r/w 151 of the Civil Procedure Code, to withdraw the proceedings in M.C.O.P.No.1088 of 2012 on the file of the Motor Accidents Claims Tribunal(Principal District Court), Dindigul, and to transfer the same to the file of the Motor Accidents Claims Tribunal(III Additional District Court), Tirunelveli.

For Petitioner	: Mr.G.Prabhu Rajadurai
For R-1	: Mr.AN.Ramanathan
For R-6	: Mr.J.S.Murali
For R-4 & R-7	: No appearance.

C.R.P.(MD)No.1792 of 2018

The New India Assurance Company Ltd.,
Dindigul,
Represented by its Branch Manager,
No.3, Main Road, Dindigul.

... Petitioner/Petitioner/
2nd Respondent

-Vs-



1. Sudhakaran

... 1st Respondent/1st Respondent/
Petitioner

2. The Branch Manager,

Bajaj Allianz Insurance Co. Ltd.,

Vadasery, Nagercoil.

... 2nd Respondent/2nd Respondent/
Proposed 2nd Respondent

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 08.06.2018 passed in I.A.No.466 of 2017 in M.C.O.P.No.1470 of 2016 on the file of the Motor Accidents Claims Tribunal, III Additional District Court, Tirunelveli.

C.R.P. (MD) No.1793 of 2018

The New India Assurance Company Ltd.,

Dindigul,

Represented by its Branch Manager,

No.3, Main Road, Dindigul.

... Petitioner/Petitioner/
2nd Respondent

Vs.

1. K.S.Janar

... 1st Respondent/1st Respondent/
Petitioner

2. Sudhakaran

... 2nd Respondent/2nd Respondent/
Proposed 2nd Respondent

3. The Branch Manager,

Bajaj Allianz Insurance Co. Ltd.,

Vadasery, Nagercoil.

... 3rd Respondent/3rd Respondent/
Proposed 3rd Respondent

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 08.06.2018 passed in I.A.No.467 of 2017 in M.C.O.P.No.1471 of 2016 on the file of the Motor Accidents Claims Tribunal, III Additional District Court, Tirunelveli.

C.R.P. (MD) No.1794 of 2018

The New India Assurance Company Ltd.,

Dindigul,

Represented by its Branch Manager,

No.3, Main Road, Dindigul.

... Petitioner/Petitioner/
2nd Respondent

-Vs.

1. Sudhakaran

2. K.S.Janar

3. S.P.Pratheeya

... Respondents 1 to 3/
Respondents 1 to 3/Petitioners



4. The Branch Manager,
Bajaj Allianz Insurance Co. Ltd.,
Vadasery, Nagercoil. ... 4th Respondent/4th Respondent/
Proposed 3rd Respondent

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 08.06.2018 passed in I.A.No.468 of 2017 in M.C.O.P.No.1472 of 2016 on the file of the Motor Accidents Claims Tribunal, III Additional District Court, Tirunelveli.

(in all C.R.Ps.)

For Petitioner : Mr.G.Prabhu Rajadurai

For R-1 : Mr.P.Samuel Gunasingh

COMMON ORDER

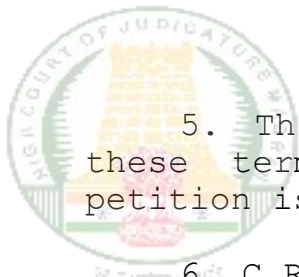
TR.C.M.P. (MD)No.322 of 2018

An accident took place on 02.06.2011 involving two vehicles. One car bearing registration No.TN 75-D-3992 was insured with the Bajaj Allianz General Insurance Company Limited. The other car bearing registration No.TN 01-R-7202 is insured with the New India Assurance Company Limited. As a result of the accident, there was one death and three were injured. Therefore, M.C.O.P.Nos.1470, 1471 and 1472 of 2016 were filed before the Motor Accidents Claims Tribunal(III Additional District Judge), Tirunelveli. But much earlier in the year 2012 itself, M.C.O.P.No.1088 of 2012 was filed before the Motor Accidents Claims Tribunal(Principal District Judge), Dindigul.

2. Since in respect of one accident, claim petitions have been filed before two different Courts, it is just and proper that they are clubbed together and tried by one Tribunal. Since before the Motor Accidents Claims Tribunal(Principal District Judge), Dindigul, the claim petition was instituted first, it is only just and proper that the later claim petitions are transferred. It is also to be noted that trial has already commenced in M.C.O.P.No.1088 of 2012.

3. Therefore, this Court transfers M.C.O.P.Nos.1470, 1471 and 1472 of 2016 from the file of the Motor Accidents Claims Tribunal (III Additional District Judge), Tirunelveli to the file of the Motor Accidents Claims Tribunal(Principal District Judge), Dindigul, to be tried along with M.C.O.P.No.1088 of 2012.

4. The accident had taken place in the year 2011. More than seven years have passed. Therefore, it is only just and proper that the Motor Accidents Claims Tribunal(Principal District Judge), Dindigul shall dispose of M.C.O.P.Nos.1470, 1471 and 1472 of 2016 within a period of six months from the date of receipt of a copy of this order. The Motor Accidents Claims Tribunal/III Additional District Judge, Tirunelveli, shall transfer all the files, forthwith, on receipt of a copy of this order.



5. This Transfer Civil Miscellaneous petition is allowed on these terms. No costs. Consequently, connected Miscellaneous petition is closed.

6. C.R.P. (MD) Nos. 1792 to 1794 of 2018

Two vehicles were involved in the accident that took place on 02.06.2011. However, in M.C.O.P. Nos. 1470, 1471 and 1472 of 2016, the claims have been laid only against the offending vehicle and the insurer of the said vehicle. Therefore, the insurer took out I.A. Nos. 466, 467 and 468 of 2017 for impleading the Bajaj Allianz Insurance Company Limited also. The Court below by orders dated 08.06.2018 dismissed the said Interlocutory applications. Questioning the same, these Civil Revision petitions have been filed.

7. This Court is of the view that when an accident has taken place involving two vehicles, it is only just and proper that the owners of both the vehicles as well as the insurers of both the vehicles are impleaded as parties.

8. Therefore, the orders impugned in these Civil Revision petitions are set aside. The Civil Revision petitions stand allowed, accordingly. No costs. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The III Additional District Judge,
Motor Accidents Claims Tribunal, Tirunelveli.

2. The Principal District Judge,
Motor Accidents Claims Tribunal, Dindigul.

Copy To:

The Record Keeper, V.R. Section,
Madurai Bench of Madras High Court, Madurai. **(2 Copies)**

+4CC to Mr. J.S. Murali, Advocate, SR.No. 88163, 88162, 88161, 88160
+2CC to Mr. G. Prabhu Rajadurai, Advocate, SR.No. 88253, 88252,
+1CC to Mr. AN. Ramanathan, Advocate, SR.No. 88248

TR.C.M.P. (MD) .No.322 of 2018 and
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