

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

TRANSFER CMP.No.303 OF 2018

ORDER:

The present transfer petition, under Section 24 of the Code of Civil Procedure, 1908, is filed seeking to withdraw O.P.No.922 of 2014 from the file of learned XXV Additional Chief Judge, City Civil Court, Hyderabad, and transfer the same to the file of learned Chairman/Principal District Judge, Nalgonda.

2. Heard Sri K. Ajay Kumar, learned Standing Counsel for the petitioner – ICICI Lombard General Insurance Company Limited.

3. Learned counsel for the petitioner would submit that, though, the claimant is native and residing actually at Nalgonda District, only by showing that he is temporarily residing at Hyderabad, he filed claim petition at Hyderabad Tribunal. Learned counsel would also submit that there are altogether 23 claim petitions, which arise from one and the same accident that took place at Devarakonda Mandal, Nalgonda District. Out of these 23 matters, four are claims relating to death, of which one is filed at Hyderabad Tribunal, whereas, the other three are filed at Nalgonda. Thus, out of these 23 matters, 14 matters are pending on the file of Chairman, Motor Accidents Claims Tribunal – cum – Principal District Judge, Nalgonda, whereas nine claim petitions are pending on the file of learned XXV Additional Chief Judge, City Civil Court, Hyderabad.

4. The very fact that in the cause title the claimant is shown that he belongs to Nalgonda District, but he is presently residing at Hyderabad, is sufficient to order the present transfer petition, as there would not be any prejudice to the claimant and there would not be any financial involvement, as practically he is resident of Nalgonda District. This apart, if all claim petitions are decided by one and the same Tribunal, it can properly appreciate the evidence on record and the violations, if any, claimed by the Insurance Company – petitioner herein, and adjudicate upon all relevant questions of fact as well as law and tender common findings by taking up joint trial in all the 23 matters. When, kept in view, the same, certainly, even there is no necessity to issue notices to the respondents and, therefore, disposed of.

5. Hence, the transfer CMP is allowed. Consequently, O.P.No.922 of 2014 pending on the file of learned XXV Additional Chief Judge, City Civil Court, Hyderabad, is withdrawn and transferred to the file of learned Chairman, Motor Accidents Claims Tribunal – cum – Principal District Judge, Nalgonda. The transferee Court shall issue notices to the parties on receipt of the case bundle and dispose of the claim petition in accordance with law.

Miscellaneous Petitions, if any, pending in the transfer petition shall stand closed. There shall be no order as to costs.

A. SHANKAR NARAYANA, J

May 01, 2018.

v v