

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Tr.C.M.P.No.366 of 2018

ORDER:

This petition is filed under Section 24 of C.P.C. seeking to withdraw M.V.O.P.No.693 of 2017 from the file of the Chairman, Motor Accidents Claims Tribunal-cum-District Judge at Nalgonda, and transfer the same to the file of Motor Vehicles Accident Claims Tribunal-cum-Additional Chief Judge, City Civil Court, Secunderabad.

2. A perusal of the record reveals that respondent Nos.1 and 2 herein filed M.V.O.P.No.693 of 2017 on the file of the Chairman, Motor Accidents Claims Tribunal-cum-District Judge at Nalgonda, under Section 166 of the Motor Vehicles Act, 1988 claiming compensation of Rs.10,00,000/- for the death of one R.Balaraju, who is the husband of first respondent and father of the second respondent. After completion of the investigation, the Station House Officer, Chilkalguda Police Station, filed a charge sheet against the petitioner herein under Section 304-A I.P.C. A perusal of the record further reveals that the second respondent herein is the *de facto* complainant.

3. Learned counsel for the petitioner submitted that the second respondent has to attend before the Court of X Additional Chief Metropolitan Magistrate, Secunderabad, in connection with the criminal case; therefore it is a fit case to transfer the matter.

4. The nature of the evidence to be produced in M.V.O.P.No.693 of 2017 and the criminal case is not one and the same. There is no necessity for the respondents to attend the Criminal Court at

Secunderabad. It is need less to say that the legal representatives of the deceased can file a claim petition anywhere. Admittedly, respondent Nos.1 and 2 are residents of Srinagar Colony, Pangal Road, Nalgonda Town. If the petition is transferred, it is very difficult for the respondents to bring the witnesses to Secunderabad. The petitioner need not appear in M.V.O.P.No.693 of 2017 on each and every date of adjournment. If the petition is transferred, it may cause untold hardship to the respondents. While deciding the petitions of this nature, the Court has to consider the convenience of both parties.

5. Taking into consideration the facts and circumstances of the case, it is not a fit case to withdraw M.V.O.P.No.693 of 2017 from the file of the Chairman, Motor Accidents Claims Tribunal-cum-District Judge at Nalgonda, and transfer the same to the file of Motor Vehicles Accident Claims Tribunal-cum-Additional Chief Judge, City Civil Court, Secunderabad.

6. Accordingly, the Transfer Civil Miscellaneous Petition is dismissed. There shall be no order as to costs. Consequently, Miscellaneous Petitions, if any, pending in this Transfer Civil Miscellaneous Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 20.06.2018
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