

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

107

[TA No.478 of 2018 \(O&M\)](#)
[Date of Decision : 6.8.2018](#)

Dharambir and others

... Petitioners

Versus

Sukhveer and others

.... Respondents

CORAM: HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

Present:- Mr. Bikram Chaudhary, Advocate
for the petitioners

Mr.Raj Kapoor Malik, Advocate
for the respondents.

Harinder Singh Sidhu, J.

Petitioners are claimants in petition bearing MACP case No.151/2017 dated 9.5.2017 titled as “Dharambir and others Vs. Sukhveer and others” filed under Sections 166/140 of the Motor Vehicles Act, pending before the learned Motor Accident Claims Tribunal at Kaithal. They have filed the present petition under Section 24 of CPC read with Section 151 CPC for transfer of the said claim petition from Kaithal to a Court of competent jurisdiction at Jind.

It is stated that another claim petition bearing MACP No.144/2007 tiled as “Manju VS. Sukhbir and others” which is with regard to the same accident and in which the respondents are the same, has been filed by the legal representatives of another deceased Krishan son of Suba in the same accident. That petition is pending before the MACT at Jind. It is stated that witnesses to the accident are the same. However, despite being summoned, witnesses namely, Shamsheer son of Suba and Dilbag son of Bali, residents of Dhonori, District Jind have not appeared to depose before the Tribunal at Kaithal whereas, they had deposed before the Tribunal at Jind.

In these circumstances, they prayed that petition be transferred from the MACT, Kaithal to a Court of competent jurisdiction at Jind.

Mr. Raj Kapoor Malik, Advocate appears for the respondent No.1. However, despite service, no one has put in appearance on behalf of respondent No.2-The Insurance Company.

Considering the facts and circumstance of the case and further considering that both the claim petitions have arisen out of the same accident, it is appropriate that the present petition be also transferred from Kaithal to a Court of competent jurisdiction at Jind. Accordingly, the petition is allowed and MACT petition (MACP No.151/2017) tiled as Dharambir and others Vs. Sukhveer and others pending before the Motor Accident Claims Tribunal Kaithal is withdrawn from that court and is transferred to the Motor Accident Claims Tribunal at Jind.

(Harinder Singh Sidhu)
Judge

06.08.2018

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Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No