

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2019

C O R A M

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

TR C.M.P. No.368 of 2018
and CMP.No.9978 of 2018

1. S.Geetha

2. Minor Nithish
rep.by his mother & Natural guardian
S.Geetha Petitioners

Vs.

1. R.Krishnamoorthi

2. K.Sulochana

3. Rajamani

4. United India Insurance Company Ltd.,
III Party Claims Cell,
No.73 C, M.T.H.Road,
AMBattur, Chennai 600 053. ... Respondents

PRAYER: Transfer Civil Miscellaneous Petition filed under section 24 of C.P.C., to withdraw M.C.O.P.No.492 of 2016 pending on the file of the Additional District Judge III, Poonamallee and transfer the same to the file of the Additional District Judge - IV, Ponneri.

For Petitioners : Ms.M.Kanmani
for M/s.N.R.Anantha Rama Krishnan

For Respondents: Mr.K.Varadhakamaraj for R1 and R2
R3 and R4 Notice served - No appearance

ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking to withdraw the MCOP. No.492 of 2016 on the file of the Additional District Judge III, Poonamallee and to transfer the same to the file of the Additional District Judge - IV, Ponneri.

2. The case of the petitioner/wife is that she along with her husband and minor children were travelling in a two wheeler in Puzhal to Tambaram Bye pass road. Near Kallikuppam toll gate due to negligent and rash driving of the lorry owned by the third respondent herein the accident took place and her husband and minor son Harish Karthik died on 11.07.2019. The petitioner/wife along with her minor son filed M.C.O.P.No.653 of 2016 for the death of her husband/father Saravanan and also filed M.C.O.P.No.652 of 2016 for the death of her minor son Harish Karthik. For the injuries sustained by the petitioner/wife she had filed M.C.O.P.No.664 of 2016 and all these cases are pending before the Additional District Judge IV, Ponneri. In the meanwhile the respondents 1 and 2 herein who are the parents of the deceased Saravanan have filed M.C.O.P.No.492 of 2016 claiming compensation for the death of their son/Saravanan before the Additional District Judge No.III Poonamallee separately. Hence prayed for transfer.

3. The learned counsel for the petitioners submitted that the petitioner/wife is staying at her parents house Ponneri and still undergoing treatment, hence she finds difficult in travelling to Additional District Court III, Poonamallee for each and every hearing and accordingly, prayed for the transfer of the proceeding from Additional District Court III, Poonamallee to Additional District Court IV, Ponneri.

4. The learned counsel appearing for the respondents 1 and 2 would submit that the respondents 1 and 2 have no objection in transferring the said petition and requested this Court to order for travelling allowance for the respondents 1 and 2 to be paid by the petitioner/wife.

5. Heard both sides and perused the materials available on record.

6. The petitioner/wife has put forth certain inconvenience and hardship in attending the proceeding at Additional District Court III, Poonamallee. In such view of the matter, as rightly put forth, the consolidation of proceedings and the determination of the same by one and the same Court would be beneficial to both the parties and by way of the same, conflict of decisions could also be avoided. Accordingly, it is seen that the cause of justice would be advanced in the determination of the proceedings by one and the same Court as stated above.

7. For the reasons afore stated, MCOP.No.492 of 2016 is directed to be withdrawn from the file of the Additional District Court III, Poonamallee and transferred to the file of

the Additional District Court IV, Ponneri within a period of four weeks from the date of receipt of a copy of this order for joint trial along with M.C.O.P.No.652 of 2016, 653 of 2016 and 664 of 2016 and the learned Additional District Judge IV, Ponneri is directed to complete the trial within a period of six months thereafter. The petitioner/wife shall pay the travelling allowance for the respondents 1 and 2 herein till the disposal of the above petitions.

8. Accordingly, the Transfer Civil Miscellaneous petition is allowed. Consequently, connected CMP.No.9978 of 2018 is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Additional District Court III,
Poonamalle.
2. The Additional District Court IV,
Ponneri.

+lcc to Mr.N.R.Anantha Ramakrishnan, Advocate Sr.96511
+lcc to Mr.C.Varadha kamaraj, Advocate Sr.95962

सत्यमेव जयते

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srg 06/01/2020

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