

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Transfer C.M.P.No.815 of 2019 &

CMP.No.22658 of 2019

The Branch Manager
M/s.Bajaj Allianz General
Insurance Company Limited,
No.87-91, I Floor, LA Complex,
Sidhanantha Nagar,
Near Indira Gandhi square,
Villupuram Main Road,
Puducherry.

..Petitioner/III respondent

vs.

- | | |
|------------------------|---|
| 1. Pushpavathy | ..1 st Respondent/ I Petitioner |
| 2. Ruthra | ..2 nd Respondent/ II Petitioner |
| 3. Azhagambal | ..3 rd Respondent/I Respondent |
| 4. Hastimull Chowdhari | ..IVRespondents/II Respondent |

Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw M.C.O.P.No.66 of 2018 from the file of the Motor Accidents Claims Tribunal (In the Court of III Additional District Judge) at Puducherry and transfer the same to the file of the Motor Accidents Claims Tribunal (In the Court of the II Additional District Judge) at Tindivanam to be tried along with M.C.O.P.No.154 of 2011 (Old MCOP No.35 of 2010)

For Petitioner : Mr.J.Michael Visuvasam
For Respondents : Mr.T.Ananthasekar for R1 & R2
Mr.R.Kamaraj for R4
R3-Name printed, no appearance

O R D E R

The Petitioner has come up with this Petition seeking transfer of M.C.O.P.No.66 of 2018 from the file of the Motor Accidents Claims Tribunal (In the Court of III Additional District Judge) at Puducherry to the file of the Motor Accidents Claims Tribunal (In the Court of the II Additional District Judge) at Tindivanam to be tried along with M.C.O.P.No.154 of 2011.

2. According to the Petitioner, MCOP.No.66 of 2018 was filed before the Motor Accidents Claims Tribunal at Puducherry claiming compensation by the respondents 1 and 2 herein as legal heirs of the deceased one Ramanathan, who succumbed to the injuries in a road accident occurred on 21.11.2009. Strangely, another claim petition in MCOP.No.154 of 2011 before the Motor Accidents Claims Tribunal, Tindivanam has already been filed by one Mrs.Raj alias Amutha and 4 others, in the year 2009, claiming themselves as the

wife and minor children of the said deceased Ramanathan, seeking compensation of Rs.20,00,000/- for his death. Thus both the claim petitions have been filed by the claimants asserting themselves to be the wife and children of deceased Ramanathan.

3. Learned counsel for the petitioner would submit that both the claim petitions were filed against the petitioner showing it as 3rd respondent as the insurer of the car being registration No.TN 38 S 2525, therefore in order to decide the rival claims with regard to the legitimacy of relationship of wife and children and their entitlement to claim compensation for the alleged death of deceased Ramanathan, it is necessary to transfer both the claim petitions for enquiry before the Motor Accidents Claims Tribunal (In the Court of II Addl. District Judge), Tindivanam, as the respondents 1 and 2 herein are the residents of Puducherry and the Motor Accidents Claims Tribunal (In the Court of II Addl. District Judge), Tindivanam is only a short distance from Puducherry, which will take only 45 minutes of travel time and as such no inconvenience or hardship would be caused to them. Thus he prayed to withdraw MCOP.No.66 of 2018 from the file of Motor Accidents Claims Tribunal, Puducherry and transfer the same to the file of Motor Accidents Claims Tribunal, Tindivanam, to be tried along with MCOP.No.154 of 2011 (Old MCOP No.35 of 2010).

4. Learned counsel appearing for the respondents 1 and 2 would submit that the respondents 1 and 2 are the residents of Puducherry and the 1st respondent is working as cooli and her daughter, the 2nd respondent, is studying in college, hence it is not possible for them to engage any Advocate at Thindivanam to contest the case. Moreover, the respondents 1 to 3 are not at all arrayed as parties in the MCOP.No.154 of 2011 on the file of Motor Accident Claims Tribunal, Tindivanam, which is 42 kilometres far away from their residence, and the same would cause much hardship and inconvenience to them, thus he prayed for dismissal of this petition.

5. Heard the learned counsel for the Petitioner and learned counsel appearing for respondents 1 and 2. None appears on behalf of the 3rd Respondent in spite of her name being printed in the cause list, after service. Learned counsel for 4th respondent has no serious objection to allow this petition.

6. Taking note of the fact that the motor accident claims are made by the claimants and that there is a dispute with regard to the status of wife in MCOP.No.154 of 2011 (Old MCOP.No.35 of 2010) pending before the Motor Accident Claims Tribunal (In the Court of the II Addl. District Judge, Tindivanam) and that there is also a similar claim made in MCOP.No.66 of 2018 Motor Accidents Claims Tribunal (In the

Court of III Additional District Judge) at Puducherry, it is necessary that both the matters have got to be heard together for the purpose of granting compensation to the legal representatives of the deceased. Hence, this Court is of the view that no harm is going to be caused to the respondents herein if MCOP.No.66 of 2018 pending on the file of Motor Accidents Claims Tribunal (In the Court of III Additional District Judge) is transferred and heard together with MCOP.No.154 of 2011 before the before the Motor Accident Claims Tribunal (In the Court of the II Addl. District Judge, Tindivanam).

7. In the result, the proceedings in M.C.O.P.No.66 of 2018 is withdrawn from the file of the Motor Accidents Claims Tribunal (In the Court of III Additional District Judge) at Puducherry and is transferred to the file of the Motor Accidents Claims Tribunal (In the Court of the II Additional District Judge) at Tindivanam to be tried along with M.C.O.P.No.154 of 2011 (Old MCOP No.35 of 2010). Since it is a claim by the respondents nearly after 8 years, the trial Court is expected to take both the claims together and conclude the trial, as expeditiously as possible, without adjourning the matter beyond 15 working days at any point of time, to bring the issue to a logical end.

8. The Transfer Civil Miscellaneous Petition is allowed as indicated above. No costs. Consequently, connected C.M.P.No.22658 of 2019 is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

(msr)

To :

1. The Motor Accidents Claims Tribunal
(In the Court of III Additional District Judge) at
Puducherry
2. The Motor Accidents Claims Tribunal (In the Court of the
II Additional District Judge) at Tindivanam

+1cc to Mr.J.Michael Visuvasam , Advocate SR.No. 106142
Transfer C.M.P.No.815 of 2019 &
CMP.No.22658 of 2019

A.SK(03/02/2020)