

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2019

CORAM

THE HON'BLE MR. JUSTICE **R.PONGIAPPAN**

CRP.PD.No.3781 of 2019

P.Perumayee

...Petitioner

Vs.

- 1.Karthikeyan
- 2.The New India Assurance Company Ltd.,
No.30, 2nd Floor, Jawaharlal Nehru Street, Pudhucherry,
Branch Office at:
Paramathi Road,
Namakkal Town, Namakkal Taluk and District ..Respondents

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India to direct the learned Principal District Judge to entertain the Memo filed by the petitioner herein dated 09.01.2019 in MCOP.No.1624 of 2015 on the file of Motor Accident Claims Tribunal / Additional District Judge, Namakkal and dispose the same.

For Petitioner : Mr.R.Nalliyappan

ORDER:

The claimant in MCOP.No.1624 of 2015 on the file of the Motor Accident Claims Tribunal / the Additional District Court,

Namakkal is the petitioner herein. Before the court below, the petitioner herein filed a memo stating that he has filed a claim application in MCOP.No.1624 of 2015, which is pending before the Additional District Court, Namakkal for disposal. In the said memo, he has further stated that in an accident in which he sustained injuries, number of persons are also sustained injuries and some of them are died. Towards the same, number of claim applications are pending before the various court. However, he has specifically stated that due to the above referred accident, the following 14 claim applications were filed and pending before the Claim Tribunal situated in Namakkal District.

- 1.MCOP.No.1625 of 2015
- 2.MCOP.No.43 of 2016
- 3.MCOP.No.3 of 2016
- 4.MCOP.No.19 of 2016
- 5.MCOP.No.21 of 2016
- 6.MCOP.No.38 of 2016
- 7.MCOP.No.72 of 2016
- 8.MCOP.No.84 of 2016
- 9.MCOP.No.121 of 2016
- 10.MCOP.No.123 of 2016
- 11.MCOP.No.124 of 2016
- 12.MCOP.No.170 of 2016
- 13.MCOP.No.171 of 2016
- 14.MCOP.No.244 of 2016

3.In the said memo, he has further stated that all the cases referred above are triable by the Claim Tribunal which was situated in Salem District. Therefore, through the said memo, he requested the Principal District Court, Namakkal to transfer those claim petitions to the respective Court which is having jurisdiction to entertain the said claim petitions. The said memo filed by the petitioner was not entertained by the learned Principal District Judge, Namakkal. Hence, the petitioner is before this Court with the present Civil Revision Petition.

4.Today when the petition is came up for hearing, the learned counsel appearing for the petitioner is present and made a submission that the claim applications filed by the various claimants in the above referred MCOP's have to be disposed by the court situated in Salem District and accordingly it is very necessary for Principal District Judge to pass appropriate order in the memo dated 09.01.2019 filed by the claimant in MCOP.No.1624 of 2015.

5.Upon considering the arguments advanced by the learned counsel appearing for the petitioner, by way of filing memo, the

petitioner wanted to transfer the above referred MCOP's to the court which is having jurisdiction to entertain the claim petition. According to him, as of now, those claim applications are pending with the court situated in Namakkal District. In the said circumstances, the only option to the petitioner is to file an application before this court under Section 24 of Code of Civil Procedure to transfer the above referred MCOP's to the court having jurisdiction. However, since those claim applications are filed by the respective claimants, through which they claimed compensation for the death of a person and to the injuries sustained in the alleged accident, this Court by using power under Article 227 of the Constitution of India direct the Claim Tribunals situated in Namakkal District as follows:

6.The Principal District Judge, Namakkal is directed to call for the records relates to the above referred claim petitions and to decide as whether the court at Namakkal is having jurisdiction to entertain the claim applications filed by the respective claimant. Otherwise, if the court in Namakkal is not having any jurisdiction to try the claim petitions filed by various claimants, under Order 14

Rule 2 of Code of Civil Procedure, return the petitions with direction to re-present the same before the court which is having jurisdiction by fixing the time limit for presentation.

7. Accordingly, this Civil Revision Petition is disposed of. No costs.

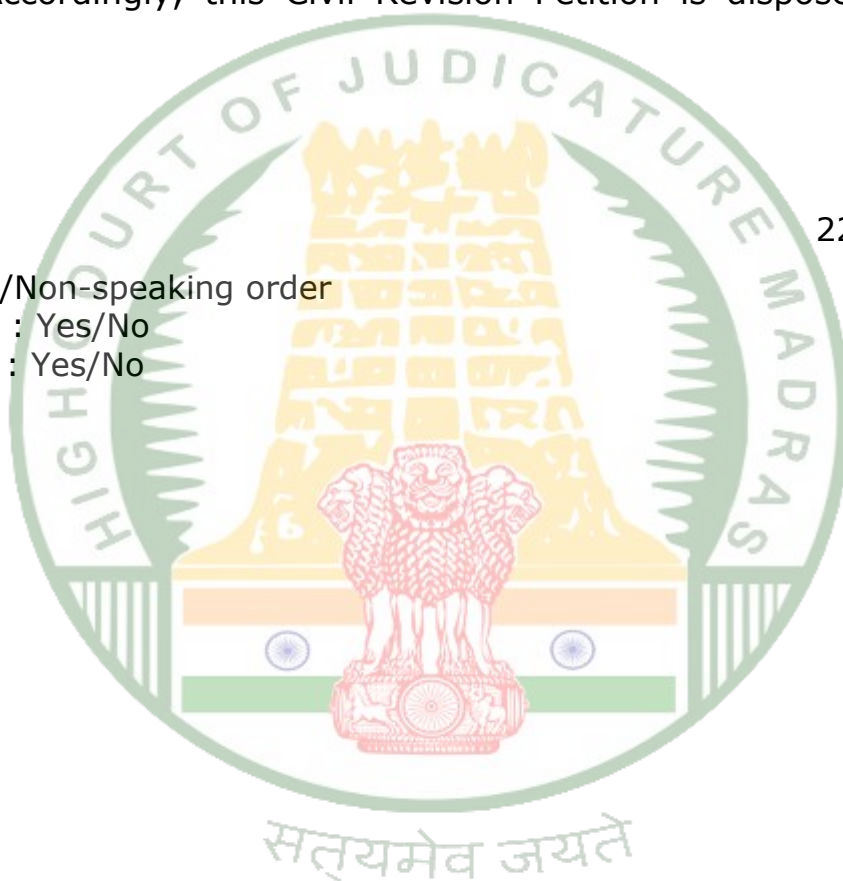
22.11.2019

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

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R.PONGIAPPAN,J.

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To
The learned Motor Accident Claims Tribunal /
Additional District Judge,
Namakkal



CRP.PD.No.3781 of 2019

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