

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2019

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

TR.CMP.NOS.84 TO 107 OF 2017  
AND CONNECTED MISCELLANEOUS PETITIONS

- 1) National Insurance Company Limited  
No. 73, Perundurai Road,  
Near Collector Office,  
P.B.No.911, Erode 638 011.  
Petitioner in Tr Cmp.No. 84 to 104/17
- 2) National Insurance Company Ltd.,  
Kumaran Road,  
Tiruppur  
Petitioner in Tr CMP.No.105 to 107/17
- Vs.
- 1.Malliga  
2.K.Chinnaswamy  
3.Lakshmi  
... Respondents in Tr CMP.No. 84/17
- 1.Hemalatha  
2.Devasuriya  
3.Minor Nandhitha  
(3<sup>rd</sup> Minor Petitioner rep by her  
next Friend, Guardian and  
mother Hemalatha)
- 4.Lakshmi  
... Respondents in Tr CMP. No. 85 /2017
- 1)Palaniyappan  
2) Lakshmi  
... Respondents in Tr CMP. No. 86 /2017
- 1)Kannamal  
2) Lakshmi  
... Respondents in Tr CMP. No. 87 /2017
- 1)Subbaiya  
2) Lakshmi  
... Respondents in Tr CMP. No. 88 /2017
- 1) Uma  
2) Lakshmi  
... Respondents in Tr CMP. No. 89 /2017

- 1) Rani
- 2) Lakshmi

... Respondents in Tr CMP. No. 90 /2017

- 1) A.Chandramalli
- 2)A.Krishnaveni
- 3)A.Prabhu
- 4)S.Saravanan
- 5)Lakshmi

... Respondents in Tr CMP.No. 91 of 2017

- 1)Jehrabi
- 2)S.Shakeela Banu @ Shakeela
- 3)Minor S.Anwar  
S/o.Late B.Saleem
- 4)Minor S.Ajmal  
S/o.Late B.Saleem  
(rep by their mother and Shakeela as  
natural Guardian and next friend)

- 5) S.Saravanan
- 6)Lakshmi

... Respondents in Tr CMP.No. 92 of 2017

- 1) B.Hariharan
- 2)S.Saravanan
- 3)Lakshmi

... Respondents in Tr CMP.No. 93 of 2017

- 1)Pradesh
- 2)Lakshmi

... Respondents in Tr CMP.No. 94 of 2017

- 1)Subramanian
- 2)Lakshmi  
W/o.Subramanian
- 3)Lakshmi  
W/o.Kandaswamy

... Respondents in Tr CMP.No.95 of 2017

- 1)Easwaran
- 2)Lakshmi

... Respondents in Tr CMP.No.96 of 2017

- 1)V.Arun
- 2)Lakshmi

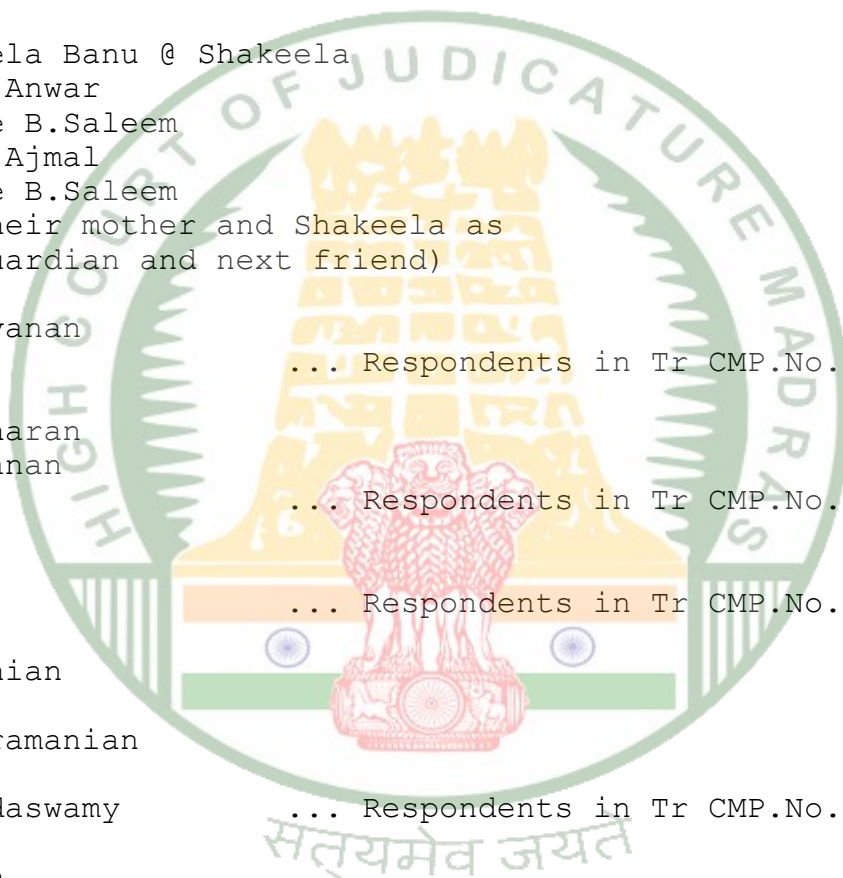
... Respondents in Tr.CMP.No. 97 of 2017

- 1)Rajeswari
- 2)Lakshmi

... Respondents in Tr CMP.No. 98 of 2017

- 1)Easwaran
- 2)Lakshmi

... Respondents in Tr CMP.No. 99 of 2017



1)C.Suseela  
2)Lakshmi ... Respondents in Tr CMP.No. 100 of 2017

1)Krishnan  
2)Lakshmi ... Respondents in Tr CMP.No. 101 of 2017

1)Aswathramji  
2)Lakshmi ... Respondents in Tr CMP.No. 102 of 2017

1)S.Nallasivam  
2)Lakshmi ... Respondents in Tr CMP.No. 103 of 2017

1)K.Periyaswamy  
2)Lakshmi ... Respondents in Tr CMP.No. 104 of 2017

1)Bagiyam  
2)Lakshmi ... Respondents in Tr CMP.No. 105 of 2017

1)Pappathi  
2)Lakshmi ... Respondents in Tr CMP.No. 106 of 2017

1)Manjula  
2)Lakshmi ... Respondents in Tr CMP.No. 107 of 2017

TR CMP No.84 to 87 of 2017 of 2017: To transferred the claim petition pending in MCOP NOS.219 of 2015, 225/15, 248/15 & 249/15 on the file of the Motor vehicles Accidents Claims Tribunal, subordinate Court, Tiruchengode to the file of the Motor Accidents Claims tribunal SubCourt, Erode to be tried along with MCOP NO.77 of 2015 on the file of the 1st Additional Subordinate Motor Accidents Claims Tribunal, Erode.

TR CMP.No. 88 of 2017: To withdraw transfer the Claim Petition pending in MCOP.No. 452 of 2015 on the file of Motor Vehicles Accident claims Tribunal, Subordinate Court, Namakkal, to the file of the Motor Accident Claims Tribunal, Sub Court, Erode to be tried along with MCOP.No. 77 of 2015 on the file of the 1<sup>st</sup> Additional Subordinate, Motor Accident Claims Tribunal, Erode.

TR CMP No.89 of 2017:To withdraw transferred the claim petition pending in MCOP NO.472 of 2015 on the file of the Motor Vehicles Accidents Claims Tribunal Subordinate Court, Namakkal to the file of the Motor Accidents Claims Tribunal Sub Court, Erode to be tried along with MCOP NO.77 of 2015 on the file of the 1st Additional Subordinate Motor Accidents Claims Tribunal Erode.

TR CMP No.90 of 2017: To withdraw transfer the claim petition pending in MCOP NO. 1241/2015, on the file of the MACT, Sub Judge, Namakkal to the file of the MACT, Sub Court, Erode to be tried along with MCOP NO. 77/2015 on the file of the 1st Addl Subordinate, MACT, Erode.

TR CMP No.91 of 2017: To withdraw transfer the claim petition pending in MCOP NO.1593/2015, on the file of the MACT, 2ND Addl District Court, Tiruppur to the file of the MACT, Sub Court, Erode to be tried along with MCOP NO. 77/2015 on the file of the 1st Addl Subordinate, MACT, Erode.

TR CMP No.92 of 2017: To withdraw transfer the claim petition pending in MCOP NO.1595/2015, on the file of the MACT, 2ND Addl District Court, Tiruppur to the file of the MACT, Sub Court, Erode to be tried along with MCOP NO. 77/2015 on the file of the 1st Addl Subordinate, MACT, Erode.

TR CMP No.93 of 2017: To withdraw transfer the claim petition pending in MCOP NO.1709/2015, on the file of the MACT, Addl. sub judge, Tiruppur to the file of the MACT, Sub Court, Erode to be tried along with MCOP NO. 77/2015 on the file of the 1st Addl Subordinate, MACT, Erode.

TR CMP No.94 of 2017: To withdraw transfer the claim petition pending in MCOP NO.1776/2015, on the file of the MACT, Prl Sub Judge, Tiruppur to the file of the MACT, Sub Court, Erode to be tried along with MCOP NO. 77/2015 on the file of the 1st Addl Subordinate, MACT, Erode.

TR CMP No.95 of 2017: To withdraw transfer the claim petition pending in MCOP NO.1848/2015, on the file of the MACT, 1st Addl District Court, Tiruppur to the file of the MACT, Sub Court, Erode to be tried along with MCOP NO. 77/2015 on the file of the 1st Addl Subordinate, MACT, Erode.

TR CMP No.96 of 2017: To transfer the claim petition pending in MCOP NO.1992 of 2015 on the file of the Motor vehicles Accidents Claims Tribunal, Additional Subordinate Court, Tiruchengode to the file of the Motor Accidents Claims tribunal SubCourt, Erode to be tried along with MCOP NO.77 of 2015 on the file of the 1<sup>st</sup> Additional Subordinate Motor Accidents Claims Tribunal, Erode.

TR CMP No.97 of 2017: To withdraw transfer the claim petition pending in MCOP NO.2077/2015, on the file of the MACT, Prl SJ, Tiruppur to the file of the MACT, Sub Court, Erode to be tried along with MCOP NO. 77/2015 on the file of the 1st Addl Subordinate, MACT, Erode.

TR CMP No.98 of 2017:to withdraw transfer the claim petition pending in MCOP NO 2078 OF 2015 on the file of the Motor Vehicles Accident Claim Tribunal, Principal Subordinate court, Tiruppr to the file of the Motor Accidents Claims Tribubal Sub court, Erode to the tried along with MCOP NO 77 OF 2015 on the file of the 1<sup>st</sup> Additional Subordinate, Motor Accidents Claims Tribunal, Erode.

TR CMP No.99 of 2017:to withdraw transfer the claim petition pending in MCOP NO 2079 OF 2015 on the file of the Motor Vehicles Accident Claim Tribunal, Principal Subordinate court, Tiruppr to the file of the Motor Accidents Claims Tribubal Sub court, Erode to the tried along with MCOP NO 77 OF 2015 on the file of the 1<sup>st</sup> Additional Subordinate, Motor Accidents Claims Tribunal, Erode.

TR CMP No.100 of 2017: to withdraw transfer the claim petition pending in MCOP NO 2080 OF 2015 on the file of the Motor Vehicles Accident Claim Tribunal, Principal Subordinate court, Tiruppr to the file of the Motor Accidents Claims Tribubal Sub court, Erode to the tried along with MCOP NO 77 OF 2015 on the file of the 1<sup>st</sup> Additional Subordinate, Motor Accidents Claims Tribunal, Erode.

TR CMP No.101 of 2017:to withdraw transfer the claim petition pending in MCOP NO 2082 OF 2015 on the file of the Motor Vehicles Accident Claim Tribunal, Principal Subordinate court, Tiruppr to the file of the Motor Accidents Claims Tribubal Sub court, Erode to the tried along with MCOP NO 77 OF 2015 on the file of the 1<sup>st</sup> Additional Subordinate, Motor Accidents Claims Tribunal, Erode.

TR CMP No.102 of 2017:to withdraw transfer the claim petition pending in MCOP NO 2083 OF 2015 on the file of the Motor Vehicles Accident Claim Tribunal, Principal Subordinate court, Tiruppr to the file of the Motor Accidents Claims Tribubal Sub court, Erode to the tried along with MCOP NO 77 OF 2015 on the file of the 1<sup>st</sup> Additional Subordinate, Motor Accidents Claims Tribunal, Erode.

TR CMP No.103 of 2017:To withdraw transfered the claim petition pending in MCOP No.2084 of 2015, on the file of the Motor Vehicles Accidents Claims Tribunal, Principal Subordinate Court, Tiruppur to the file of the Motor Accidents Claims Tribunal Sub Court, Erode to be tried along with MCOP No.77 of 2015 on the file of the 1 st Additional Subordinate Motor Accidents Claims Tribunal, Erode and pass such other or further order or orders as this honourable court may deem fit and proper in the facts and circumstances of the case and thus render justice.

TR CMP No.104 of 2017: To withdraw transferred the claim petition pending in MCOP No.2085 of 2015, on the file of the Motor Vehicles Accidents Claims Tribunal, Principal Subordinate Court, Tiruppur to the file of the Motor Accidents Claims Tribunal Sub Court, Erode to be tried along with MCOP No.77 of 2015 on the file of the 1 st Additional Subordinate Motor Accidents Claims Tribunal, Erode and pass such other or further order or orders as this honourable court may deem fit and proper in the facts and circumstances of the case and thus render justice.

TR CMP No.105 of 2017: To withdraw transferred the claim petition pending in MCOP No.2261 of 2015, on the file of the Motor Vehicles Accidents Claims Tribunal, Additional Subordinate Court, Tiruppur to the file of the Motor Accidents Claims Tribunal Sub Court, Erode to be tried along with MCOP No.77 of 2015 on the file of the 1 st Additional Subordinate Motor Accidents Claims Tribunal, Erode and pass such other or further order or orders as this honourable court may deem fit and proper in the facts and circumstances of the case and thus render justice.

TR CMP No.106 of 2017: To withdraw transferred the claim petition pending in MCOP No.2274 of 2015, on the file of the Motor Vehicles Accidents Claims Tribunal, Additional Subordinate Court, Tiruppur to the file of the Motor Accidents Claims Tribunal Sub Court, Erode to be tried along with MCOP No.77 of 2015 on the file of the 1 st Additional Subordinate Motor Accidents Claims Tribunal, Erode and pass such other or further order or orders as this honourable court may deem fit and proper in the facts and circumstances of the case and thus render justice.

TR CMP No.107 of 2017: To withdraw transferred the claim petition pending in MCOP No.2276 of 2015, on the file of the Motor Vehicles Accidents Claims Tribunal, Additional Subordinate Court, Tiruppur to the file of the Motor Accidents Claims Tribunal Sub Court, Erode to be tried along with MCOP No.77 of 2015 on the file of the 1 st Additional Subordinate Motor Accidents Claims Tribunal, Erode and pass such other or further order or orders as this honourable court may deem fit and proper in the facts and circumstances of the case and thus render justice.

For Petitioner : Ms.N.B.Surekha  
(all Tr.CMPs')

For Respondents  
1 & 2 in Tr.CMP No.84/2017: Mr.R.Prabakar

For Respondent 1 : Mr.S.Kaithamalaikumaran  
in Tr.CMP No.94/2017

For Respondent - 1  
in Tr.CMP Nos.102 and  
104/2017 : Mr.Ma.Pa.Thangavel

For Respondents 1 & 2  
in Tr.CMP No.95/2017 : Mr.N.Umapathi

For Respondent -2  
in Tr.CMP Nos.86, 87, 88, 89,  
90, 94, 96, 97, 98, 99, 100,  
101, 102, 103, 104, 105, 106  
and 107 of 2017

For Respondent 3  
in Tr.CMP Nos.84, 93, 95 /2017

For Respondent 4  
in Tr.CMP No.85/2017

For Respondent 5  
in Tr.CMP No.91/2017

For Respondent 6  
in Tr.CMP No.92/2017 : Mr.M.Palani

COMMON ORDER

These Transfer Civil Miscellaneous Petitions are filed seeking to transfer the MCOP cases pending in different Courts to any one Court for simultaneous trial. All these cases arose out of one and same accident. The accident had taken place on 25.08.2015 at 07.05 am, on the Highway between Erode and Coimbatore. The bus is insured with the petitioner/National Insurance Company Ltd. Claiming compensation, several claim petitions were filed before Sub Court, Thiruchengode; Sub Court, Namakkal and Principal District Court, Tiruppur. Seeking transfer of all the cases to one Court, the petitioner/insurance company is before this Court.

2. Learned counsel for the petitioner/insurance company would submit that all the claim petitions are based on one accident that had occurred on 25.08.2015 at Avinashi and for the convenience of all the parties, it is better to conduct all the cases, at any one of the Courts. Accordingly, they seek transfer of the cases to any one of the Courts either at Erode or

Namakkal or Tiruppur District.

3. Heard the submissions made on either side and perused the materials available before this Court.

4. From the materials available before this Court, it is seen that majority of the cases are pending before the Courts at Tiruppur, particularly, before the Principal Sub Court, Tiruppur. Considering the convenience of all the parties and to avoid multiplicity of proceedings, this Court is inclined to transfer all the cases pending before various Courts, to Principal Sub Court, Tiruppur.

5. Accordingly,

- (i) MCOP No.219 of 2015 pending on the file of Sub Court, Thiruchengode;
- (ii) MCOP No.225 of 2015 pending on the file of Sub Court, Thiruchengode;
- (iii) MCOP No.248 of 2015 pending on the file of Sub Court, Thiruchengode;
- (iv) MCOP No.249 of 2015 pending on the file of Sub Court, Thiruchengode;
- (v) MCOP No.452 of 2015 pending on the file of Sub Court, Namakkal;
- (vi) MCOP No.472 of 2015 pending on the file of Sub Court, Namakkal;
- (vii) MCOP No.1241 of 2015 pending on the file of Additional District Court, Namakkal;
- (viii) MCOP No.1593 of 2015 pending on the file of 2nd Additional District Court, Tiruppur;
- (ix) MCOP No.1595 of 2015 pending on the file of 2nd Additional District Court, Tiruppur;
- (x) MCOP No.1709 of 2015 pending on the file of Additional Sub Court, Tiruppur;
- (xi) MCOP No.1848 of 2015 pending on the file of 1st Additional District Court, Tiruppur;

- (xii) MCOP No.1992 of 2015 pending on the file of Additional Sub Court, Tiruppur;
- (xiii) MCOP No.2261 of 2015 pending on the file of Additional Sub Court, Tiruppur;
- (xiv) MCOP No.2274 of 2015 pending on the file of Additional Sub Court, Tiruppur; and
- (xv) MCOP No.2276 of 2015 pending on the file of Additional Sub Court, Tiruppur

are hereby withdrawn from the respective Courts and transferred to Principal Sub Court, Tiruppur, to be tried along with MCOP Nos.1776, 2077, 2078, 2079, 2080, 2082, 2083, 2084 and 2085 of 2015 respectively, pending before the same Court. On such transfer, the learned Judge, Principal Sub Court, Tiruppur, is directed to renumber all the petitions; issue notice to the parties and dispose of all the cases, as expeditiously as possible.

6. The Transfer Civil Miscellaneous Petitions are disposed of accordingly. No costs. Consequently, connected civil miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

BKN

To

1. The Sub Court, Thiruchengode.
- 2.The First Additional Sub Court, Erode.
- 3.The Sub Court, Namakkal.
- 4.The Additional District Court, Namakkal.
- 5.The Second Additional District Court, Tiruppur.
- 6.The Additional Sub Court, Tiruppur.
- 7.The Principal Sub Court, Tiruppur.
- 8.The First Additional District Court, Tiruppur.

9.The Sub Court, Erode.

10.The Additional Sub Court, Tiruchengode.

11.The Principal Sub Court, Tiruppur.

+1cc to Mr.M.Palani, Advocate, S.R.No. 19700

+1cc to Mr.N.B.Surekha, Advocate, S.R.No. 20233

+1cc to Mr.Ma.P.Thangavel, Advocate, S.R.No.19883

+1cc to Mr.S.Kaithamalai Kumaran, Advocate, S.R.No. 19689

TR.CMP.NOS.84 TO 107 OF 2017

RK(CO)

GN(17/07/2019)

Compared by SAR (10/10/2019)



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