



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2019

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THE HONOURABLE **MS.JUSTICE P.T.ASHA**

TR.C.M.P. (MD) No.384 of 2019

C.Satheesh

... Petitioner

Vs.

1.M.Rajalingam

2.The Regional Manager,
Royal Sundaram Alliance Insurance
Company Ltd., No.48, 4th Floor,
A Block, Mena Kampala Arcade,
Sir Theyagarayar Road,
T.Nagar, Chennai.

... Respondents

PRAYER:- Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to transfer the original claim petition in M.C.O.P.No.380 of 2017 on the file of the Special Subordinate Court, Madurai and transfer the same to the Subordinate Judge, Kuzhithurai, Kanyakumari.

For Petitioner : Mr.K.Jagadeesan

For Respondents : No Appearance

ORDER

The above Transfer Civil Miscellaneous Petition has been filed by a victim of road terrific accident seeking transfer of the case in M.C.O.P. No.380 of 2017 from the file of the Motor Accident Claims Tribunal, Special Subordinate Court, Madurai to the file of learned Subordinate Judge, Kuzhithurai, Kanyakumari.

2.Though the Insurance Company/second respondent and the first respondent/owner of the offending vehicle had been served, they have not entered appearance and their names have also been printed. However, there is no appearance for the respondents, when the matter was called, today.

3.The petitioner has sought for transfer on the ground that he is suffering from severe LBA secondary to lumbar spondylosis, which requires regular constant physiotherapy and Doctor has also given a certificate that he is advised not to do any heavy manual labour and long travel. Hence, the petitioner cannot travel all the way to Madurai from Kanyakumari to attend the hearings.



4. This Court is inclined to accept the reasons given in the affidavit and the submissions of the learned counsel for the petitioner. In the result, this transfer civil miscellaneous petition is allowed, as prayed for and the petition in M.C.O.P. No.380 of 2017 is ordered to be withdrawn and transferred from the file of the Motor Accident Claims Tribunal, Special Subordinate Court, Madurai to the file of Subordinate Judge, Kuzhithurai, Kanyakumari. The Motor Accident Claims Tribunal, Special Subordinate Court, Madurai, is directed to transmit the entire records in M.C.O.P.No.380 of 2017 to the Subordinate Judge, Kuzhithurai, Kanyakumari and the learned Subordinate Judge, Kuzhithurai, Kanyakumari is directed to dispose of the same on merits and in accordance with law. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Special Subordinate Judge,
Motor Accident Claims Tribunal, Special Subordinate Court,
Madurai.

2.The Subordinate Judge,
Kuzhithurai,
Kanyakumari

+1 CC to Mr.K.JAGADEESAN, Advocate (SR-99080[F] dated 18/11/2019)

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VB(11.12.2019) 2P 4C