



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.09.2019

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P. (MD) No.377 of 2016

and

C.M.P (MD) No.7383 of 2016

WEB COPY

S.Balashanmugam

... Petitioner/1st Respondent

Vs.

1.R.Kanoj

...Respondent/Petitioner

2.Cholamandalam General Insurance Company Limited,
Sattur, Virudhunagar District.

... 2nd Respondent/2nd Respondent

PRAYER:- Petition filed under Section 24 of Civil Procedure Code, to pass an order to transfer the case in M.C.O.P.No.154/2016 pending on the file of the Learned Motor Accident Claims Tribunal (Special Subordinate Court), Tirunelveli.

For Petitioner : Mr.C.M.Arumugam for
Mr.R.Pandimaharaja

For Respondent : No appearance for RR-1 & 2

ORDER

The above Transfer Civil Miscellaneous Petition is filed at the behest of the first respondent in the Motor Accident Claims Tribunal (Principal District Judge), Tirunelveli in M.C.O.P.No.154/2016, seeking to transfer the above referred MCOP to the file of the Subordinate Judge, Sattur.

2.Though notice has been served on the first respondent and his name has been printed in the cause list, none appeared on behalf of the first respondent. Considering the fact that the service has been completed, this Court has proceeded to hear the submission of the learned counsel for the petitioner and dispose of the matter.

3.The basis on which the above Transfer Civil Miscellaneous Petition is sought to be filed is on the ground that the claimant/first respondent herein, the Insurance Company with which the petitioner's vehicle is insured, namely the second respondent herein as well as the petitioner all have their address at Sattur, Virudhunagar. The only reason, according to the



petitioner, for the filing of the claim petition before the Motor Accident Claims Tribunal at Tirunelveli was on account of the fact that in the claim Petition, the address of the first respondent/claimant has been shown as follows:

"residing at No.74, Bharathiyar Street, Sattur Taluk and now residing at No.37, Sarojini Jain Street, Samathanapuram, Palayamkottai."

4.Even in the F.I.R, the address of the claimant has only been shown as "No.74, Bharathiyar Street, Sattur Taluk". Considering the fact that the claimant/first respondent as well as the respondent in the M.C.O.P all are having the residence at Sattur, Virudhunagar District, this Court is inclined to order this Transfer Civil Miscellaneous Petition.

5.In the result, M.C.O.P.No.154/2016, pending on the file of the Motor Accident Claims Tribunal (Special Subordinate Court), Tirunelveli is withdrawn and transferred to the file of the Subordinate Court at Sattur. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

Sub Assistant Registrar (CS)

VS

To

1.The Special Subordinate Judge
Motor Accident Claims Tribunal
Tirunelveli

2.The Subordinate Judge, Sattur.

+1 CC to M/s.C.M.ARUMUGAM, Advocate (SR-86419[F] dated 12/09/2019)

Tr.C.M.P. (MD) No.377 of 2016

and

C.M.P (MD) No.7383 of 2016

10.09.2019

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