

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.98 of 2020

1. S.Saraswathi
2. S.Ilango
3. S.Ilanchezhian
4. A.Arulmozhi
5. S.Elankumaran

... Petitioners

-vs-

1. A.Mohan Raj
2. National Insurance Company Ltd.,
rep.by its Branch Manager
F-45, J.Nehru Salai
Block-52, Neyveli
Cuddalore District

... Respondents

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to withdraw the M.C.O.P.No.24 of 2015 on the file of the Motor Accident Claims Tribunal (Principal Sub Court), Tambaram and transfer the same to any of the competent Courts at Kumbakonam.

For Petitioners :: Mr.S.Sathia Chandran

For Respondents :: Mr.S.Arunkumar
Standing Counsel for R2
No appearance for R1

ORDER

Heard learned counsel for the parties through video conferencing due to the Covid-19 pandemic.

2. The first petitioner, Mrs.S.Saraswathi, Wife of late Srinivasan along with her three sons, namely, Mr.S.Ilango, Mr.S.Ilanchezhian, Mr.S.Elankumaran and her daughter Mrs.A.Arulmozhi, has filed this transfer civil miscellaneous petition seeking withdrawal of the M.C.O.P.No.24 of 2015 on the file of the Motor Accident Claims Tribunal (Principal Sub Court), Tambaram and transfer the same to any of the competent Courts at Kumbakonam.

3. Mr.S.Sathia Chandran, learned counsel appearing for the petitioners submitted that after Mr.Srinivasan (late), the husband of the first petitioner retired from Indian Railways, while he was walking on 26.7.2015 at about 8.30 a.m., through the Velacherry Main Road, near Selaiyur ICICI bank, he was hit by a Bajaj Pulsar motorcycle driven by the first respondent, as a result of which he sustained grievous injuries. Although the third petitioner took him to a nearby private hospital at Tambaram for treatment, his father was declared dead. Therefore, M.C.O.P.No.24 of 2015 was filed before the Motor Accident Claims Tribunal (Principal Sub Court), Tambaram and on 13.10.2015, summons were also issued to the respondents by the said Court. Now the respondents have to file their counter affidavits. In the meanwhile, the petitioners have shifted their residence to Kumbakonam and are presently residing at No.40-A, Kavarai Street, Darasuram, Kumbakonam Taluk, Pin: 612 702. As the first petitioner is aged about 79 years now, she finds it difficult to travel to Tambaram. Secondly, due to the Covid-19 pandemic situation, it is also difficult to obtain the e-pass to reach Tambaram. Therefore, if the matter is transferred to any of the competent Courts at Kumbakonam dealing with motor accident claim cases, no one can have any objection. Otherwise, the first petitioner and her sons and daughter will not be able to participate in the proceedings before the Principal Sub Court, Tambaram. Mr.Sathia Chandran, learned counsel for the petitioners also produced the proof of residence of the first petitioner staying at No.40-A, Kavarai Street, Darasuram, Kumbakonam Taluk, which is her husband's younger brother's house.

4. Having heard Mr.S.Arunkumar, learned standing counsel appearing for the second respondent and also taking note of the advanced age of the first petitioner at 79 years coupled with the Covid-19 pandemic situation prevailing around Chennai city, this Court is inclined to allow the transfer civil miscellaneous petition as prayed for. Accordingly, the M.C.O.P.No.24 of 2015 is withdrawn from the file of the Motor Accident Claims Tribunal (Principal Sub Court), Tambaram and transferred to the competent Court/Motor Accident Claims Tribunal at Kumbakonam, for an expeditious disposal on merits. The transfer civil miscellaneous petition stands allowed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

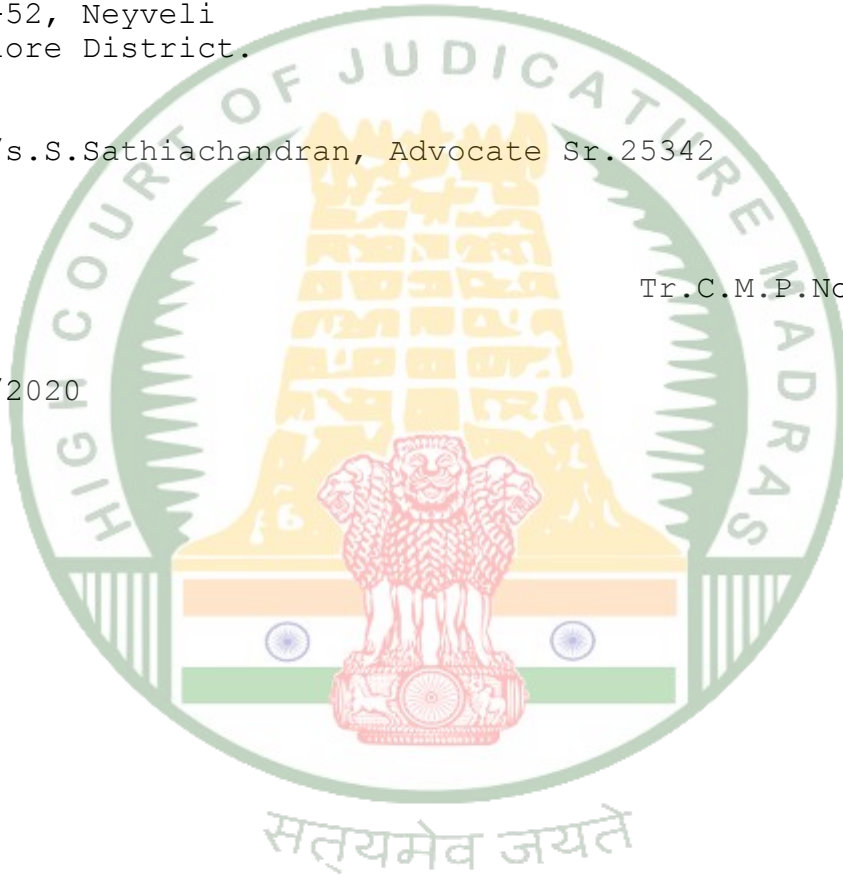
To

1. The Motor Accident Claims Tribunal,
(Principal Sub Court), Tambaram.
2. The Motor Accident Claims Tribunal,
Kumbakonam.
3. The Branch Manager
National Insurance Company Ltd.,
F-45, J.Nehru Salai
Block-52, Neyveli
Cuddalore District.

+1cc to M/s.S.Sathiachandran, Advocate Sr.25342

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srg 07/08/2020



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