

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Transfer C.M.P.No.390 of 2019

1. G.Malliga
2. N.Gnanaseelan ...Petitioners

vs.

1. Kalpana
2. Minor Sri Akash
3. Minor Aadesh
Minors are represented by their mother and next friend
Kalpana, 1st Respondent
4. G.Nirmala Devi
5. The ICICI Lombard General Insurance Company Ltd.,
Motor III Party Claims Office,
No.84/85, Arihant Plaza, 1st Floor,
Waltax Road,
Chennai 600 001. ...Respondents

Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw M.C.O.P.No.1464 of 2017 from the file of the II Small Causes Court (Motor Accidents Claims Tribunal), Chennai and transfer the same to the file of the District Court-II (Motor Accidents Claims Tribunal), Kancheepuram to try along with M.C.O.P.No.587 of 2017, pending there.

For Petitioners : Mr.C.Prabakaran
For Respondents 1 to 3 : Mr.C.Richard Suresh Kumar
For Respondents 4 & 5 : No appearance

O R D E R

Petitioners have come up with this Petition seeking to withdraw M.C.O.P.No.1464 of 2017 from the file of the II Small Causes Court (Motor Accidents Claims Tribunal), Chennai and

transfer the same to the file of the District Court-II (Motor Accidents Claims Tribunal), Kancheepuram to try along with M.C.O.P.No.587 of 2017, pending there.

2. When the matter is taken up for hearing, learned counsel for the Petitioners submitted that, though the Petitioners have sought for withdrawal of M.C.O.P.No.1464 of 2017 to be tried along with M.C.O.P.No.587 of 2017 on the file of the District Court-II (Motor Accidents Claims Tribunal), Kancheepuram, as the fatal accident occurred at Chennai, the Petitioners, now, do not have any objection for transferring the proceedings in M.C.O.P.No.587 of 2017 from the file of the District Court-II (Motor Accidents Claims Tribunal), Kancheepuram to be tried along with M.C.O.P.No.1464 of 2017 before the II Small Causes Court (Motor Accidents Claims Tribunal), Chennai.

3. Learned counsel appearing for the Respondents 1 to 3 submitted that, as the wife of the deceased has filed M.C.O.P.No.1464 of 2017, which is pending before the II Small Causes Court, Chennai and that, the parents of the deceased are also parties to the claim, the 1st Respondent has no objection for both Original Petitions, being tried before the II Small Causes Court at Chennai.

4. In the result, the proceedings in M.C.O.P.No.587 of 2017 is withdrawn from the file of the District Court-II (Motor Accidents Claims Tribunal), Kancheepuram and is transferred to the file of the II Small Causes Court (Motor Accidents Claims Tribunal), Chennai, to be tried along with M.C.O.P.No.1464 of 2017.

5. The II Small Causes Court (Motor Accidents Claims Tribunal), Chennai, is expected to conclude the trial, as expeditiously as possible, without adjourning the matter beyond 15 working days at any point of time, to bring the issue to a logical end.

6. The Transfer Civil Miscellaneous Petition is disposed of with the above direction. No costs. Consequently, connected C.M.P.No.10713 of 2019 is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

(jas/aeb)

To :

1. The II Small Causes Court (Motor Accidents Claims Tribunal),
Chennai.

2.The District Court-II (Motor Accidents Claims Tribunal),
Kancheepuram.

+1 CC to Mr.K. Sivakumar, Advocate sr 1879.

+1 CC to Mr.C.Prabakaran, Advocate sr 1621.

Tr.C.M.P.No.390 of 2019

GMR(CO)
SP(11/02/2020)



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