

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.Nos.113 to 120 of 2018
and
CMP.Nos.3248 to 3255/2018

Tr.CMP.No.113/2018 :

National Insurance Company Limited,
751, Anna Salai,
Chennai-2.Petitioner/2nd Respondent in all Tr.CMP)

-vs-

1. S.Paavai
2. T.Kalasankari
3. Dr.S.Thillai Nayagam Respondents/Petitioners
4. K.P.Natarajan
5. S.Arumugam
6. New India Assurance Company Limited,
No.45, Moor Street, Chennai.
7. Dhandapani
8. The Oriental Insurance Company Limited,
No.115/216, Prakasam Salai,
Chennai-1.

..Respondents/1 and 3 to 6 Respondents

TR CMP.114 of 2018

- 1 T.MANICKAM
- 2 MAHALAKSHMI ... 1 & 2 Respondents/Petitioners 1 & 2
- 3 K.P. NATARAJAN
- 4 E.KUMARI
- 5 NEW INDIA ASSURANCE CO LTD
NO.45 V.FLOOR MOOR ST
CHENNAI.
- 6 A.DANDAPANI
- 7 THE ORIENTAL INSURANCE CO LTD
NO.115/216 PRAKASAM SALAI
CHENNAI.

TR CMP.115 of 2018

1 UMA MAHESWARI
2 HARI KARTHIK
3 MURUGAIYAN ... RESPONDENTS 1 to 3/PETITIONERS 1 TO 3
4 K.P. NATARAJAN ... 4th RESPONDENT/1st RESPONDENT

TR CMP.116 of 2018

1 POTHAIYA
2 INDIRA RESPONDENTS/PETITIONERS
3 K.P. NATARAJAN
4 E. KUMARI
5 NEW INDIA ASSURANCE CO LTD
NO. 45 MOORE STREET,
CHENNAI
6 DHANDAPANI
7 THE ORIENTAL INSURANCE COMPANY LIMITED,
NO. 115/216 PRAKASAM SALAI,
CHENNAI 1
... RESPONDENTS/1 AND 3 TO 6
RESPONDENTS

TR CMP.117 of 2018

1 VIZZAPU RAMANAJI RAO
2 VIZZAPU SATHYAVATHI RESPONDENTS/PETITIONERS
3 K.P. NATARAJAN
4 A. DANDAPANI
5 THE ORIENTAL INSURANCE COMPANY LIMITED,
B.O.RANIPET NO. 17A KRISHNAGIRI ROAD
SKS COMPLEX,
RANIPET VELLORE 632 401
... RESPONDENTS/ 1, 3AND 4 RESPONDENTS

TR CMP.118 of 2018

1 S. PALANIVEL
2 P. POONGODHAI ... RESPONDENTS/ 1, 3 & 4th RESPONDENTS
3 K.P. NATARAJAN
4 A. DHANDAPANI

5 THE ORIENTAL INSURANCE COMPANY LIMITED,
B.O.RANIPET NO. 17A KRISHAGIRI ROAD
SKS COMPLEX,
RANIPET VELLORE 632 401
... RESPONDENTS/1, 3 & 4th RESPONDENTS

TR CMP.No. 119 of 2018 and 120 of 2018

1 K. KARTHIGAI RAJAN ... RESPONDENT/PETITIONER
2 K.P. NATARAJAN
3 A. DANDAPANI

4 THE ORIENTAL INSURANCE CO. LTD.,
MTPCO NO.45 II FLOOR BROADWAY
CHENNAI 108.

5 B. ARUMUGAM

6 NEW INDIA ASSURANCE CO. LTD.,
MTPCO NO.45 V FLOOR MOOR STREET,
PARRYS, CHENNAI-1
... RESPONDENTS 2 TO 6/1, 3 TO 6 RESPONDENTS

TR CMP. 113, 114, 116, 119, 120 OF 2018:

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to withdraw the case in MCOP.No.4356/2011, 640/2012, 5665/2012, 1133/2015 & 1250/2015 on the file of the I Motor Accidents Claims Tribunal, Chennai and transfer the same to III Additional District Judge Court, Coimbatore.

PRAYER IN TR CMP.115, 117, 118: Transfer Miscellaneous Petition filed under section 24 of CPC to withdraw the case in MCOP.No. 1568/2012, MCOP.105/2013, MCOP.484/2015 on the file of the II RD MACT, Chennai and transfer the same to III Additional District Judge court, Coimbatore.

For Petitioner :: Mr.S.Arun Kumar in all TR CMP

TR CMP.No.113 of 2018

For Respondents:: Mr.J.Chandran for R6
No appearance for R2 to R4
R7, and R8 Not ready Notice R1 & R5

TR CMP.No.114 of 2018

For Respondents 1 to 7 :: No Appearance

TR CMP.No.115 of 2018

For Respondents:: Mr.S.Udayakumar for R1 & R2
<https://hcservices.ecourts.gov.in/hcservices/>
No appearance for R3 & R4

TR CMP.No.116 of 2018

For Respondents::Mrs.A.Solomi for R5
No appearance for R3, 4 & 6
Not ready R1 & R2

TR CMP.No.117 of 2018

For Respondents::Mr.P.Chandrasekar for R1
No appearance for R2 to R5

TR CMP.No.118 of 2018

For Respondents:: Mr.P.Chandrasekar for R1
No appearance For R2 to R5

TR CMP.No.119 of 2018

For Respondents:: Ms.A.Salomi for R6
Mr.P.Natarajan for R1
No appearance R2, R5

COMMON ORDER

The matters were taken up through video conferencing due to the Covid-19 pandemic.

2. The petitioner National Insurance Company has filed these ten Transfer Civil Miscellaneous Petitions seeking to withdraw and transfer the MCOP.Nos.4356/2011, 640/2012, 5665/2012, 1133/2015, 1250/2015, pending on the file of the I Motor Accidents Claims Tribunal, Chennai and MCOP.Nos.1568/2012, 105/2013, 484/2015 pending on the file of the II Motor Accidents Claims Tribunal, Chennai respectively, to the file of the learned III Additional District Judge, Coimbatore to be tried along with the cases arising out of the same accident.

3.When these matters were called, the learned Counsel for the petitioner Insurance Company and the learned Counsel for the claimant in Tr.CMP.Nos.117 and 118/2018 fairly submitted that in Tr.CMP.Nos.117 and 118/2018 seeking transfer of MCOP.Nos.105/2013 and 484/2015 from the file of the II Motor Accidents Claims Tribunal to the III Additional District Judge, Coimbatore, the trial was already over.

4.Recording the said submission made by both sides that trial was already over in MCOP.Nos.105/2013 and 484/2015 pending before the II Motor Accidents Claims Tribunal, Chennai, this Court is of the view that the prayers for transfer cannot be entertained in Tr.CMP.Nos.117 and 118/2018 since the same have become infructuous.

it appears that in most of the cases, due to the passage of time, trial have already been commenced. Therefore, this Court is of the view that the prayers in the said Transfer CMPs. have also become infructuous.

6.In the result, all the Transfer CMP Nos.113 to 120/2018 are dismissed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The I Motor Accidents Claims Tribunal,
Chennai.
2. The II Motor Accidents Claims Tribunal,
Chennai.
3. The III Additional District Judge,
Coimbatore.

+1cc to Mr.P.Chandrasekar, Advocate, S.R.No. 33265
+1cc to Mr.J.Chandran, Advocate, S.R.No.33543

Tr.C.M.P.Nos.113 to 120 of 2018

RLD(CO)
GN(03/11/2020)

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