



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2020

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBRAMANIAN

TR.C.M.P. (MD) No.248 of 2019

and

C.M.P (MD) No.5769 of 2019

WEB COPY

Bhavanishree

... Petitioner/3rd Respondent

vs.

1.Sivanjothi

2.The Manager,

IFCO Tokio General Insurance,
Co-Ltd., Pretham Plaza 2nd Floor,
Chandragandhi, Bye-Pass Road,
Madurai.

3.Muniyammal

4.R.Nagaraj

... Respondents/ Respondents

PRAYER: This Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw M.C.O.P.No.45 of 2018 pending on the file Sub Court, Devakottai, Sivagangai District and transfer the same to 6th Additional District Judge, Madurai and direct to try along with the pending M.C.O.P.No.2537 of 2017 on the file of the 6th Additional District Judge, Madurai.

For Petitioner

: Mr.M.Sarangan

For R2

: Mr.V.Sakthivel

ORDER

The petitioner seeks transfer of M.C.O.P.No.45 of 2018 pending on the file of the Sub Court, Devakottai, Sivagangai District to the file of 6th Additional District Judge, Madurai to be tried along with M.C.O.P.No.2357 of 2017.

2. Notice sent to the respondents 1 and 2 has been served. Mr.V.Sakthivel, learned counsel appears for the second respondent. Notice sent to the respondents 3 and 4 have been returned with an endorsement 'refused'. Private notice has been received by the fourth respondent. Considering the above, service is held sufficient.

3. While M.C.O.P.No.2537 of 2017 has been filed by the petitioner herein seeking compensation for the death of her husband, Manikandan in a motor accident that occurred on 24.10.2017, the respondents 3 and 4 herein, who are the parents of the said Manikandan have filed M.C.O.P.No.45 of 2018 on the file of the Sub Court, Devakottai, Sivagangai District seeking compensation for the death of their son, Manikandan.



4. While the petitioner herein has been made as third respondent in M.C.O.P.No.45 of 2018, the respondents 3 and 4 herein have been made as respondents 3 and 4 in M.C.O.P.No.2537 of 2017. Since both cases arise out of the same accident, I am of the opinion that the cases should be tried together. Since M.C.O.P.No.2537 of 2017 is the earlier petition, M.C.O.P.No.45 of 2018 is withdrawn from the file of the Sub Court, Devakottai and transferred to the file of the 6th Additional District Judge, Madurai to be tried along with M.C.O.P.No.2537 of 2017. The Sub Court, Devakottai is directed to transmit the papers to the file of the 6th Additional District Judge, Madurai forthwith.

5. Accordingly, this transfer civil miscellaneous petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

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Sub Assistant Registrar(CS)

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To

1.The Sub Judge, Devakottai.

2.The 6th Additional District Judge, Madurai.

+1 CC to Mr.V.SAKTHIVEL, Advocate (SR-5687[F] dated 11/02/2020)

+1 CC to Mr.M.SARANGAN, Advocate (SR-5695[F] dated 11/02/2020)

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