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C.R.P. (PD) No. 212 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2021

CORAM:

**THE HONOURABLE Mr. JUSTICE S.S.SUNDAR**

C.R.P.(PD) No.212 of 2019  
and C.M.P. No.1678 of 2019

1. A.V.Padmanaban
2. P.Dhanalakshmi
3. A.P.Lakshmanan

...Petitioners

Versus

1. P.Nareshkumar
2. The United India Insurance Company Limited,  
Rep. by its Divisional Manager,  
Office at Katpadi – Chittoor Road,  
Vellore – 4.

...Respondents

Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decretal order of the Principal District Judge, Vellore, Vellore District dated 08.11.2018 in Transfer O.P. No.16 of 2018 and to order the said Transfer O.P.

For Petitioner : Mr. S.Bala Ganesh

For Respondent -1: No appearance

2: Mr. M.J.Vijayaraghavan



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## **ORDER**

This Civil Revision Petition is directed against the order of the learned Principal District Judge, Vellore, in dismissing Transfer O.P. No.16 of 2018.

2. The petitioners are the claimants in M.C.O.P. No.257 of 2016, on the file of II Additional District Court, Ranipet. The petitioners filed a petition claiming compensation for the death of A.P. Sriragavan who died in a motor accident that occurred on 06.10.2014. The petitioners filed a transfer petition in Tr. O.P. No.16 of 2018 before the District Court, Vellore, to transfer the proceedings from II Additional District Court to the Principal District Court. The petition for transfer was mainly on the ground that the Presiding Officer before whom the claim petition is pending has expressed her view in so many words that she was going to dismiss the petition as not maintainable. It is their further case that the petitioners apprehend that they may not get justice before the particular Court and that therefore they were advised to move the District Court, Vellore, for withdrawal and transfer of the proceedings in M.C.O.P. No.257 of 2016 from the II Additional District Court, Ranipet to the Principal District Court, Vellore or any other Court in Vellore. Except the apprehension that the petitioners may not get justice before the particular Presiding Officer, no reason or ground is raised in the petition for transfer.



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3. Learned counsel for the second respondent insurance company states that the Presiding Officer before whom M.C.O.P. No.257 of 2016 was pending, has been transferred to some other station with effect from 30.04.2021.

4. Since the same Officer is not continuing in II Additional District Court Ranipet, this Court is unable to find any merits in this Civil Revision Petition, challenging the order passed by the District Court, Vellore, dismissing the petition for transfer. This Court is of the view that this Civil Revision Petition cannot survive as the only ground on which the petitioners sought for transfer is no more available to the petitioners. Hence, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed. The learned II Additional District Judge, Ranipet, is directed to expedite the trial and dispose of M.C.O.P. No.257 of 2016, within a period of six months from the date of receipt of a copy of this order. The parties are directed to appear before the II Additional District Court, Ranipet, on 30.11.2021, along with a copy of this order so that the trial shall commence without further delay.

**17.11.2021**

Index: Yes/ No

Speaking Order / Non-Speaking Order

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**S.S.SUNDAR, J .,**

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Copy to:

- 1.The II Additional District Judge, Ranipet.
- 2.The Principal District Judge, Vellore.

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