



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2021

CORAM:

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

Tr.C.M.P. No.286 of 2021
and C.M.P. No.7269 of 2021

The Divisional Manager,
M/s.IFFCO-TOKIO General Insurance Company Limited,
Old No.28, New No.195,
North Usman Road, T-Nagar,
Channi - 600 017.

.. Petitioner

Vs

1.Yasothai
2.Kannan
3.Annalakshmi
4.Vinoth
5.S.Koothappan

.. Respondents

PRAYER : Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw the MCOP No.14 of 2017 on the file of the Motor Claims Tribunal (Additional District Court - II), Tindivanam, and be transferred to the file of the Motor Accident Claims Tribunal (Principal Sub Court) at Chengalpattu, to be tried together along with MCOP No.1 of 2015.

For Petitioner : Mr.J.Michal Visuvasam

For Respondents : No Appearance

O R D E R

This petition has been filed to withdraw the MCOP No.14 of 2017 on the file of the Motor Claims Tribunal (Additional District Court - II), Tindivanam, and be transferred to the file of the Motor Accident Claims Tribunal (Principal Sub Court) at Chengalpattu, to be tried together along with MCOP No.1 of 2015.

2.This petition has been filed by the Insurance Company who is the respondent both in MCOP No.1 of 2015 pending on the file of the Motor Accident Claims Tribunal (Principal Sub Court) at Chengalpattu and claim petition in MCOP No.14 of 2017 on the file of the Motor Claims Tribunal (Additional District Court - II), Tindivanam.



3.The claimant in MCOP No.1 of 2015 is the husband of the deceased whereas the claimant in MCOP No.14 of 2017 are the parents. The husband has filed a petition in MCOP No.1 of 2015 on the premise that he is the sole dependent of the deceased. Since the claimants in both the cases have filed the petitions in two different places, the Insurance Company, who is the respondent in both cases, came forward with the transfer petition only on the ground of convenience and also on the ground of avoiding any conflicting awards and apportionments. Since the reliefs in both the claim petitions are inter-linked, this Court has no hesitation to club the matter together for disposal.

4.Respondents in the transfer petitions have received notice on 13.05.2021. However no counsel has entered appearance on behalf of the respondents. Since the respondents have not appeared to deny the averments filed in support of the affidavit for transfer, this Court prima facie is of the view that the respondents have nothing to deny the averments made in the petition filed in support of the transfer petition. Both the cases arise out of same accident, though the rival claim is between the parents and the husband of the deceased.

5.Having regard to the facts and circumstances of the case, this Court is of the view that to protect the interest of the both parties and to avoid multiplicity of proceedings and since the reliefs in both the cases are inter-linked, in the sense, that a decision in one case will directly affect the decision in the other case, this Court has no other option than to transfer the proceedings to be tried by the Motor Accident Claims Tribunal (Principal Sub Court) at Chengalpattu.

6.Accordingly, the proceedings in claim petition in MCOP No.14 of 2017 on the file of the Motor Claims Tribunal (Additional District Court - II), Tindivanam, are hereby withdrawn and transferred to the file of the Motor Accident Claims Tribunal (Principal Sub Court) at Chengalpattu, to be tried together along with MCOP No.1 of 2015.

7.This transfer civil miscellaneous petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar



To

1. The Motor Claims Tribunal
(Additional District Court - II),
Tindivanam.

2. The Motor Accident Claims Tribunal
(Principal Sub Court),
Chengalpattu.

3. The Section Officer,
VR Section,
High Court, Madras.

+1cc to Mr.J.Michal Visuvasam, Advocate SR.No.30775

Tr.C.M.P. No.286 of 2021
and C.M.P. No.7269 of 2021

AK-II (CO)
GMY (02/08/2021)