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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P.No.373 of 2021
and
C.M.P.No.8618 of 2021

[Through video conferencing]

1.Mrs.Umanathan
W/o. Late.V.Shanmuganathan
2.Manojkumar
3.Asharani

...Petitioners

-vs-

1. I.Shankar Ganesh
2. M/s.ICICI Lombard General Insurance Company Limited,
1st Floor, Near L.N.Hospital,
Gandhipuram, A.A.Tower,
Bypass Road, Madurai - 625 010.

... Respondents

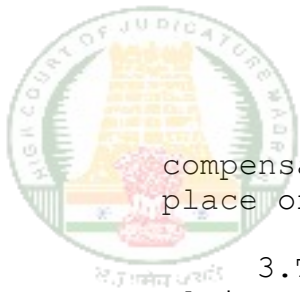
PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, seeking to withdraw and transfer M.C.O.P.No.516 of 2019 pending on the file of the Special Judge for Communal clash Cases at Madurai to file the Motor Accident Claims Tribunal (Small Causes Court), Chennai and pass such further or other orders as this Court may deem fit and necessary in the facts and circumstances of the case.

For Petitioner : Mr.A.Subadra
For Respondent : No appearance

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw and transfer M.C.O.P.No.516 of 2019 pending on the file of the Special Judge for Communal clash Cases at Madurai to file the Motor Accident Claims Tribunal (Small Causes Court), Chennai.

2.The petitioner has filed M.C.O.P.No.516 of 2019 before the Principal District Judge at Madurai and was transferred to the Special Judge for Communal Clash cases, Madurai, claiming



compensation for the death of her husband in an accident took place on 22.10.2018 at Madurai to Virudhunagar Highways Road.

3.The learned counsel for the petitioner submitted that the claim petition in M.C.O.P.No.516 of 2019 for compensation is pending before the Special Judge for Communal Clash cases at Madurai. He would further submit that the petitioner is a senior citizen aged about 77 years was living along with her 2nd son at Chennai. The distance between Chennai to Madurai is 450 Kms by Train. It is very difficult for the petitioner to travel from Chennai to Madurai for attending the Court on every hearings in M.C.O.P.No.516 of 2019. Therefore, he seeks to transfer the case from Madurai to Chennai.

4.Heard the learned counsel for the petitioner and perused the materials available on record.

5.There is no representation for the respondent.

6.Considering the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner, this Court is inclined to transfer the case to the file of the Motor Accident Claims Tribunal (Small Causes Court), Chennai.

7.Accordingly, M.C.O.P.No.516 of 2019 is withdrawn from the file of the Special Judge for Communal Clash Cases at Madurai and transferred to the file of the Motor Accident Claims Tribunal (Small Causes Court), Chennai, for disposal as per law. The Special Judge for Communal Clash Cases at Madurai, is directed to transmit the papers to the file of the Motor Accident Claims Tribunal (Small Causes Court), Chennai, forthwith. The Motor Accident Claims Tribunal (Small Causes Court), Chennai is directed to dispose of the case in M.C.O.P.No.516 of 2019 on merits and in accordance with law as expeditiously as possible.

8.In fine, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To:

1. The Special Judge for Communal Clash Cases at Madurai.
2. The Motor Accident Claims Tribunal (Small Causes Court), Chennai.

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+1CC to M/s.M.Malar, Advocate, Sr.No.39988

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CP (CO)
K.RK. (22.09.2021)