

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04-01-2021

Coram

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Tr.C.M.P.No.358 of 2019

And

C.M.P.Nos.10244 and 10280 of 2019

S.Kamatchi

... Petitioner

vs.

1.M.Karuppusamy

2.Smt.K.Baby

3.P.Kamala Kannan

4.P.Ponnusamy

5.National Insurance Company,  
Sathy Road,  
Near Ellen Hospital,  
Gandhipuram,  
Coimbatore-641 012.

.. Respondents

PRAYER : Transfer CMP is filed under Section 24 of the Civil Procedure Code to withdraw and transfer the MCOP No.25 of 2019 pending on the file of the learned Sub Judge of Udumalpet and transfer the same to the learned Sub Judge of Motor Accident Claims Tribunal of Coimbatore and to try along with MCOP No.265 of 2019, which is pending on the file of the Sub Court (Motor Accident Claims Tribunal), Coimbatore.

For Petitioner : Mr.S.Saravanakumar

For Respondents-1,2&5 : Mr.D.R.Arunkumar

For Respondents-3&4 : No Appearance

O R D E R

The petition for transfer under Section 24 of the Code of Civil Procedure is filed by the wife mainly on the ground that she is

unemployed and now residing at Varadharajapurammedu, Uppilipalayam (PO), Coimbatore and therefore, she is not in a position to attend the case now pending before the Sub Court at Udumalpet.

2. The petitioner states that she married one Mr.K.Prakash as per Hindu Rites and Customs. She was living with her husband at Coimbatore. While returning back from Office, the husband of the petitioner met with an accident and died on 05.02.2018, leaving behind the petitioner and respondents 1 and 2.

3. The petitioner is unemployed and a claim petition in MCOP No.265 of 2019 is filed. Due to non-cooperation, the respondents 1 and 2 filed another claim petition in MCOP No.25 of 2019 before the Sub Court, Udumalpet, wherein the petitioner was impleaded as the fourth respondent. The petitioner received summons from the Court at Udumalpet and appeared and thereafter, the case is posted on 12.04.2019 and the same is now pending.

4. The grievance of the petitioner is that she is unemployed and therefore, she cannot spent and attend the Court proceedings at Udumalpet.

5. The petitioner, admittedly, is the wife of the deceased-husband, who died in a road accident. The fact regarding her unemployment is not disputed by the respondents. This being the factum, this Court is of the opinion that the case deserves to be transferred to the Sub Court (Motor Accident Claims Tribunal) at Coimbatore.

6. Under these circumstances, MCOP No.25 of 2019, pending before the Sub Court at Udumalpet stands transferred to the Sub Court (Motor Accident Claims Tribunal) at Coimbatore and the same is to be tried along with MCOP No.265 of 2019. The Sub Court (Motor Accident Claims Tribunal), Coimbatore is requested to dispose of the claim petition as expeditiously as possible.

7. Accordingly, Tr.CMP No.358 of 2019 stands allowed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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Assistant Registrar

//True copy//

Sub Assistant Registrar

To

1.The Subordinate Judge,  
Udumalpet.

2.The Subordinate Judge,  
(Motor Accident Claims Tribunal),  
Coimbatore.

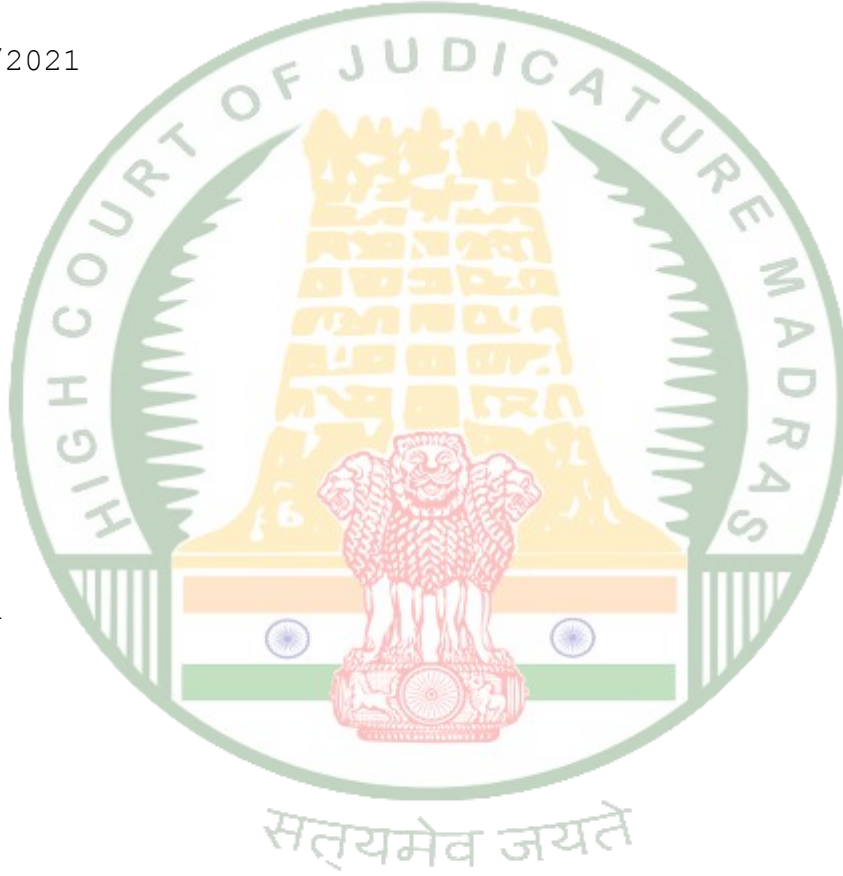
+ C.C. to M/S.D.R.ARUNKUMAR, Advocate SR.NO.71

Tr.CMP No.358 of 2019

LN (CO)

RRI 21/01/2021

04-01-2021  
vs



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