

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated : 05-01-2021
Coram
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
Tr.C.M.P.No.937 of 2019
And
C.M.P.No.25629 of 2019

Malliga

.. Petitioner

vs.

1.T.Subramani

2.The National Insurance Company Ltd.,
Branch Office, S.R.Complex,
Rajamani Thottam, Salem,
Bhavani Main Road,
Sankari-637 301,
Salem District.

3.K.Muthusamy

... Respondents

PRAYER : Transfer CMP is filed under Section 24 of the Civil Procedure Code to withdraw MCOP No.695 of 2018 on the file of the Motor Accident Claims Tribunal Principal District Judge, Dharmapuri and transfer the same to the Motor Accident Claims Tribunal Principal District Judge, Krishnagiri, to be tried along with MCOP No.1085 of 2018.

For Petitioner : Mr.SP.Yuaraj

For Respondent-1: No Appearance

For Respondent-2: Ms.R.Sreevidhya

For Respondent-3: Mr.A.Ilayaperumal

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O R D E R

The petition for transfer is filed to withdraw MCOP No.695 of 2018 on the file of the Motor Accident Claims Tribunal Principal District Judge, Dharmapuri and transfer the same to the Motor Accident Claims Tribunal Principal District Judge, Krishnagiri and the same to be tried along with MCOP No.1085 of 2018.

2. Learned counsel for the petitioner states that the petitioner is the wife of the third respondent Mr.K.Muthusamy. The son of the petitioner met with an accident on 08.07.2018 and he died subsequently. Petitioner and her children filed MCOP No.1085 of 2018 on the file of the Motor Accident Claims Tribunal Principal District Judge at Krishnagiri. When the MCOP filed by the petitioner is pending, the third respondent unnecessarily filed another MCOP No.695 of 2018 before the Motor Accident Claims Tribunal Principal District Judge at Dharmapuri. This apart, the third respondent, who is the husband of the petitioner filed HMOP No.105 of 2017 for divorce before the Sub Court, Harur.

3. Learned counsel for the petitioner states that in order to harass the petitioner, who is living along with her children, the third respondent has not only filed MCOP, but also filed a separate MCOP before the Sub Court, Dharmapuri District. Thus, the petitioner has filed the present transfer petition.

4. Learned counsel appearing on behalf of the third respondent objected the case of the petitioner by stating that Dharmapuri will be the most convenient place and this apart, the petitioner is not residing near Krishnagiri. The present petition for transfer is filed unnecessarily in order to protract the litigation and to harass the third respondent.

5. This Court is of the considered opinion that, admittedly, the petitioner is the wife of the third respondent. The third respondent already filed HMOP No.105 of 2017 for divorce before the Sub Court, Harur. This apart, he filed MCOP No.695 of 2018, seeking compensation before the Motor Accident Claims Tribunal Principal District Judge at Dharmapuri.

6. Under these circumstances, the place of mother and children shall be appropriate for the purpose of conducting the case. This being the factum, MCOP No.695 of 2018 pending on the file of the Motor Accident Claims Tribunal Principal District Judge at Dharmapuri stands transferred to the Motor Accident Claims Tribunal Principal District Judge at Krishnagiri and the same is to be tried along with MCOP No.1085 of 2018.

7. Accordingly, this Transfer Civil Miscellaneous Petition No.937 of 2019 stands allowed and the MCOP No.695 of 2018 pending on the file of the Motor Accident Claims Tribunal Principal District Judge at Dharmapuri stands transferred to the Motor Accident Claims Tribunal Principal District Judge at Krishnagiri and the same is to be tried along with MCOP No.1085 of 2018. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS III)

/true copy/

Sub Asst. Registrar

Svn
To

- 1.The Principal District Judge,
Principal District Court (Motor Accident Claims Tribunal),
Dharmapuri.
- 2.The Principal District Judge,
Principal District Court (Motor Accident Claims Tribunal),
Krishnagiri.

+1 cc to M/s.A.Ilayaperumal Advocate sr219
+1 cc to M/s.SP.Yuvaraj Advocate sr212

Tr.CMP No.937 of 2019

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aa22/02/2021

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