

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Tr.C.M.P.No.911 of 2017

and

C.M.P.Nos.18444 of 2017 & 14716 of 2020

1.Minor Niharika

2.Minor Mahasree

Minors are represented by their  
mother and next friend Yogalakshmi

3.Desammal

..Petitioners/  
Respondents 4 to 6

vs.

1.Mrs.Mageswari

2.Minor Sanjanapriya

3.Minor Danush

Minors are represented by their  
mother and next friend Mageswari

..Respondents 1 to 3/  
Petitioners 1 to 3

4.R.Vasu

5.Future General India Insurance Company Ltd.,  
1<sup>st</sup> Floor, North Wing, No.192,  
Anna Salai, Chennai - 600 002.

6.The Managing Director,  
Metropolitan Transport Corporation,  
Pallavan House, Anna Salai,  
Chennai - 600 002.

सत्यमेव जयते

..4 to 6 Respondents/  
Respondents 1 to 3

PRAYER : Transfer CMP is filed under Section 24 of the Civil Procedure Code to withdraw the M.C.O.P.No.6471 of 2016 pending on the file of the III Small Causes Court (Motor Accident Claims Tribunal) Chennai and transfer the same to the file of III Additional District Court, (Motor Accident Claims Tribunal), Poonamallee to try along with M.C.O.P.No.123 of 2015.

For Petitioners

: Mr.M.Sivakumar

For Respondent

: Mr.P.Selvaraj

[For R1 to R3]

No Appearance

[For R4 & R6]

O R D E R

The petition for transfer is filed to transfer M.C.O.P.No.6471 of 2016 from the file of the III Small Causes Court (Motor Accident Claims Tribunal), Chennai to the file of III Additional District Court, (Motor Accident Claims Tribunal), Poonamallee to try along with M.C.O.P.No.123 of 2015.

2. The petitioners filed M.C.O.P.No.123 of 2015 before the Motor Accident Claims Tribunal, III Additional District Court, Poonamallee, seeking compensation.

3. The respondents filed another M.C.O.P.No.6471 of 2016 now pending before the III Small Causes Court, Motor Accident Claims Tribunal, Chennai.

4. Both the MCOPs arising from and out of the same road accident took place. The learned counsel for the petitioners made a submission that in the event of separate trial, the same would not only cause inconvenience, but there is a possibility of inconsistency in deciding the issues. Thus, joint trial is required in these cases.

5. In view of the facts and the circumstances, the M.C.O.P.No.6471 of 2016 is now pending on the file of the III Small Causes Court, Motor Accident Claims Tribunal, Chennai stands transferred to the file of the III Additional District Court, Motor Accident Claims Tribunal, Poonamallee along with M.C.O.P.No.123 of 2015.

6. Accordingly, this Transfer Civil Miscellaneous Petition No.911 of 2017 stands allowed and the M.C.O.P.No.6471 of 2016 is now pending on the file of the III Small Causes Court, Motor Accident Claims Tribunal, Chennai, is directed to be transferred to the file of the III Additional District Court, Motor Accident Claims Tribunal, Poonamallee along with M.C.O.P.No.123 of 2015. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. (Motor Accident Claims Tribunal),  
The III rd Small Causes Court,  
Chennai.

2. (Motor Accident Claims Tribunal),  
The IIIrd Additional District Court,  
Poonamallee.

+1cc to M/s.C.Prabakaran, Advocate, S.R.No.644

Tr.CMP No.911 of 2017

ajs (CO)  
rv(11/02/2021)



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