

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.984 of 2019

And

C.M.P.No.26378 of 2019

1.Suguna

2.Minor Yogapriya

3.Minor Jai Akash

(Petitioners 2 and 3 are represented by
their Next Friend/Mother Suguna the
first petitioner)

...Petitioners

vs.

1. R.Rajan

2. The Manager,
The New India Assurance Company Ltd.,
Commercial Complex,
No.1, Officer's Lane,
Vellore.

3. Jagadeesan

4. Bakkiyam

5. Annapoorani

.. Respondents

PRAYER : Transfer CMP is filed under Section 24 of the Civil Procedure Code to withdraw and transfer the MCOP No.586 of 2017 on the file of the Motor Accident Claims Tribunal (District and Sessions Judge), Thiruvannamalai and transfer the same to be heard along with MCOP No.145 of 2017 pending on the file of the Motor Accident Claims Tribunal (Subordinate Court), Uthangarai.

For Petitioners : Mr.SP.Yuaraj

For Respondents-1,3 & 5: No Appearance

For Respondent-2 : Ms.Srividhya

For Respondent-4 : Deceased

O R

D E R

The first petitioner is the husband of the deceased who died in a road accident. Petitioners 2 and 3 are the minor children born from and out of the wedlock between the first petitioner and the deceased husband.

2. Petitioners have filed MCOP No.145 of 2017 before the Motor Accident Claims Tribunal at Uthangarai.

3. Respondents 3 and 4 are the parents of the deceased-husband, who also filed separate petition in MCOP No.586 of 2017, seeking compensation before the Motor Accident Claims Tribunal at Thiruvannamalai.

4. Learned counsel appearing on behalf of the petitioners states that the first petitioner is a widow and now living at Uthangarai Taluk and therefore, the petitioners are not in position to travel all over to Thiruvannamalai for the purpose of contesting the case filed by respondents 3 and 4. The fourth respondent died and legal heirs are impleaded.

5. Petitioners 2 and 3 are minor children and the first petitioner is even struggling to meet out the livelihood of the family. Under these circumstances, she is not in a position to spend and travel for the purpose of contesting the case filed by respondents 3 and 4 before the Motor Accident Claims Tribunal at Thiruvannamalai.

6. This Court is of the considered opinion that the first petitioner is the wife of the deceased-husband and she is now aged about 32 years and the two minor children are living along with the first petitioner. Under these circumstances, it is preferable that the place of the petitioners would be the choice to conduct the MCOP cases.

7. This being the factum, MCOP No.586 of 2017, now pending on the file of the Motor Accident Claims Tribunal at Thiruvannamalai stands transferred to Motor Accident Claims Tribunal (Sub Court), Uthangarai and the same is to be tried along with MCOP No.145 of 2017.

8. Accordingly, this Transfer Civil Miscellaneous Petition No.984 of 2019 stands allowed and MCOP No.586 of 2017, now pending on the file of the Motor Accident Claims Tribunal (District and Sessions Judge), Thiruvannamalai, is directed to be transferred to the file of the Motor Accident Claims Tribunal (Sub Court), Uthangarai and the same is to be tried along with MCOP No.145 of 2017. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

svn
To

Sub Assistant Registrar

1. The District and Sessions Judge,
District and Sessions Court,
(Motor Accident Claims Tribunal),
Thiruvannamalai.

2. The Sub Judge,
Sub Court,
(Motor Accident Claims Tribunal),
Uthangarai.

+1cc to Mr.R.Sreevidhya, Advocate, S.R.No.964

+1cc to Mr.SP.Yuvaraj, Advocate, S.R.No.211

Tr.CMP No.984 of 2019

um(CO)
rv(05/02/2021)

सत्यमेव जयते

WEB COPY