



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :18.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.143 of 2021

and

C.M.P. (MD) No.2694 of 2021

WEB COPY

1.Pitchaiammal
2.Sumathi

... Petitioners

-VS-

1.Kumar
2.Devaki
3.Manikandan
4.Rani
5.United India Insurance Company Ltd.,
Rep. By it's Branch Manager,
Mannarkudi,
Thiruvarur District.

... Respondents

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case in M.C.O.P.No.179 of 2020 on the file of the Motor Accident Claims Tribunal/Principal Sub Judge, Kumbakonam and to transfer the said case to the file of the MCOP No.1057 of 2020 on the file of the Motor Accident Claims Tribunal/Special District Judge, Trichy.

For Petitioners : Mr.N.Sudhagar Nagaraj

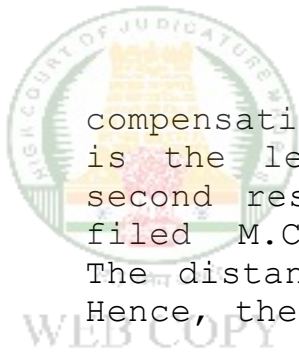
For R-1 to R-4 : Mr.G.Gomathisankar

For R-5 : Mr.R.Srinivasan

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw the case in M.C.O.P.No.179 of 2020 on the file of the Motor Accident Claims Tribunal/Principal Sub Judge, Kumbakonam and to transfer the said case to the file of the MCOP No.1057 of 2020 on the file of the Motor Accident Claims Tribunal/Special District Judge, Trichy.

2.The learned counsel for the petitioners submitted that the petitioners have filed MCOP No.1057 of 2020 before the Motor Accident Claims Tribunal/Special District Judge, Trichy, seeking claim for the death of first petitioner's husband. The respondents have filed M.C.O.P.No.179 of 2020 before the Motor Accident Claims Tribunal/Principal Sub Judge, Kumbakonam, for



compensation. It is further submitted that the first petitioner is the legally wedded wife of the deceased Alagirisamy. The second respondent, who is the unwarranted wife of the deceased filed M.C.O.P.No.179 of 2020 and the same is not lawful. The distance between Trichy to Kumbakonam is more than 100 kms. Hence, the petitioner seeks to transfer the case to Trichy.

4.The learned counsel for the respondent has strongly opposed for transfer of the case to the file of Motor Accident Claims Tribunal/Special District Judge, Trichy. He further submitted that if this Court feels to transfer the case, the same may be transferred to any other centre place.

5. Considering the submissions made on either side and to avoid conflicting judgments, this Court feels to transfer the aforesaid cases to the file of Special District Court/Motor Accident Claims Tribunal, Thanjavur.

6.In view of the above, the case in M.C.O.P.No.179 of 2020 is withdrawn from the Motor Accident Claims Tribunal/Principal Sub Judge, Kumbakonam, and M.C.O.P.No. 1057 of 2020 is withdrawn from the file of the Motor Accident Claims Tribunal/Special District Judge, Trichy and transferred to the file of the Special District Court/Motor Accident Claims Tribunal, Thanjavur, for disposal as per law. The learned Principal Subordinate Judge, Kumbakonam, and the learned Special District Judge, Trichy, are directed to transmit the papers to the file of the Special District Court/Motor Accident Claims Tribunal, Thanjavur, forthwith. The learned Special District Judge/Motor Accident Claims Tribunal, Thanjavur, is directed to hear the cases in M.C.O.P.No.179 of 2020 and M.C.O.P.No.1057 of 2020 together and dispose the same on merits and in accordance with law as expeditiously as possible.

7.In fine, this Transfer Civil Miscellaneous Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

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/ /2021

Sub Assistant Registrar(CS)



To:

1. The Principal Sub Judge,/Motor Accident Claims Tribunal
Kumbakonam.

2.The Special District Judge/Motor Accident Claims Tribunal
Trichy.

3.The Special District Judge/Motor Accident Claims Tribunal,
Thanjavur.

+1 CC to MR.N.SUDHAGAR NAGARAJ, Advocate (SR-19724[F] dated
21/06/2021)

+1 CC to MR.G.GOMATHISANKAR, Advocate (SR-19702[F] dated
21/06/2021)

Order made in
Tr.C.M.P. (MD) No.143 of 2021
and
C.M.P. (MD) No.2694 of 2021
Dated:
18.06.2021

KM(29.06.2021) 3P 6C