



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.06.2021

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

TR.C.M.P.(MD)No.243 of 2021 and

C.M.P.(MD)No.4694 of 2021

1. Senthilvel

2. Viyagulamary

... Petitioners/Respondents 3 & 4

Vs.

1. Annalakshmi

2. National Insurance Company Ltd.,

Through its Branch Manager,

No.135-1, Rose Building,

Main Road, Kovilpatti,

Thoothukudi District.

... Respondents 1 & 2/

Respondents 1 & 2

3. Soorya

4. Minor.Dinesh

5. Minor.Iniya

(Respondents 4 & 5 are represented through
their mother/natural guardian/R-3)

..Respondents 3 to 5 /Petitioners

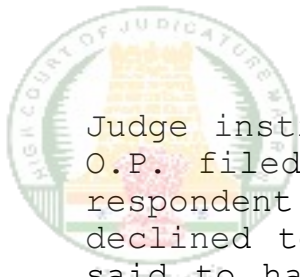
Prayer: Transfer Civil Miscellaneous petition filed under Section 24 of C.P.C., to withdraw M.C.O.P.No.313 of 2015 on the file of the Motor Accidents Claims Tribunal, Special Sub Judge, Tirunelveli and transfer the same on the file of the Principal Subordinate Judge, Kovilpatti for disposal of the same on merits in accordance with law.

For Petitioners

: Mr.R.M.Suresh

O R D E R

The petitioners have filed this transfer civil miscellaneous petition for transferring M.C.O.P.No.313 of 2015 from the file of the Motor Accidents Claims Tribunal/Special Sub Judge, Tirunelveli to the Principal Sub Court, Kovilpatti. The petitioners' son Edison died in an accident in the year 2015. Seeking compensation, the petitioners filed M.C.O.P.No.680 of 2015 before the Motor Accidents Claims Tribunal, Tirunelveli. The third respondent herein Soorya was the wife of the petitioners' son and it is obvious that Soorya was having matrimonial dispute with Edison. In fact H.M.O.P.No.44 of 2014 was filed by Edison against Soorya. Likewise Soorya filed M.C.No.7 of 2014 against Edison. These facts were set out by the petitioners herein in their claim petitions. The learned tribunal Judge was of the view that these averments are unnecessary and they are intended to embarrass the third respondent. The learned tribunal



Judge instructed the petitioners to delete those averments. Earlier O.P. filed by the petitioners herein and O.P. filed by the third respondent were ordered to be heard together. Since the petitioners declined to take back the averments, the learned tribunal Judge is said to have expressed strongly against the petitioners herein. He had also recalled the order whereby a joint trial was ordered. In these circumstances, the petitioners have serious misgivings. That necessitated them to file this transfer civil miscellaneous petition.

2. Heard the learned counsel appearing for the petitioners.

3. I am of the view that if the petitioners had merely narrated what is on record, the same need not be objected to by the tribunal. At the same time the petitioners also should realise that the object should be to speedily conclude the proceedings for claiming compensation. There is no point in embarrassing the third respondent. The fact remains that Edison and Soorya were married and two children were born through the wedlock. The minor children are presently in the custody of the mother, namely, Soorya. In these circumstances, even while dismissing this transfer civil miscellaneous petition, the following directions are passed:-

a) The petitioners are at liberty to retain the averments already set out by them as regards the matrimonial dispute between their son Edison and the third respondent Soorya.

b) M.C.O.P.313 of 2015 filed by respondents 3 to 5 and M.C.O.P.No.680 of 2015 filed by the petitioners herein will be jointly tried notwithstanding the split up order passed by the tribunal. The accident had taken place way back in the year 2015 and the claims petitions have also been filed immediately. Six years have gone by. Therefore, the tribunal is called upon to dispose of M.C.O.Ps. within a period of six months from the date of receipt of a copy of this order.

4. This transfer civil miscellaneous petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

<https://hcservices.ecourts.gov.in/hcservices/>



To:

The Special Sub Judge/Motor Accidents Claims Tribunal,
Tirunelveli.

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Copy to

The Registrar Judicial,
Madurai Bench of Madras High Court, Madurai.

TR.C.M.P. (MD) No.243 of 2021
08.06.2021

MJ(CO)
KB(09.06.2021) 3P 3C