



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :24.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P.(MD) No.86 of 2019

and

C.M.P.(MD)No.2045 of 2019

WEB COPY

Cholamandalam MS General
Insurance Company Limited
Dare House 2nd Floor
No.2, NSC Bose Road
Chennai

... Petitioner/3rd Respondent

-vs-

1.Nainar

...1st Respondent/Petitioner

2.Tamil Nadu State Transport Corporation Limited.
Madurai
Through its Managing Director

3.Shanthi Cabs India
Through its Proprietor Baskaran
No.1, H.R.Church Buildings
R.M.S.Road, Madurai -1

...Respondents 2 & 3/
Respondents 1 & 2

4.M.Padmavathy

5.M.Mahadevan

6.M.Vasanthi

7.Jeyamani

8.S.Mahima @ Mahima Sriramani

9.Thenmalar

.....Respondents

(Respondents 4 to 9 are suo motu impleaded as party
respondents in the appeal vide Court order dated
18.11.2019 made in Tr.CMP(MD).Nos.86 and 87 of 2019)

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the claim petition in MCOP.No.189 of 2016 pending on the file of Motor Accident Claims Tribunal /Chief Judicial Magistrate, Judge, Tirunelveli and transfer the same to the Motor Accident Claims Tribunal (I Additional District Judge), Virudhunagar to be tried jointly along with MCOP.Nos. 73 to 76, 78 and 79 of 2016 pending on the file of Motor Accident Claims Tribunal (I Additional District Judge), Virudhunagar.

For Petitioner

: Mr.S.Srinivasa Raghavan

For R1

: Mr.V.Sasikumar

For R2 to R9

: No appearance



O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw the claim petition in MCOP.No.189 of 2016 pending on the file of Motor Accident Claims Tribunal /Chief Judicial Magistrate, Judge, Tirunelveli and transfer the same to the Motor Accident Claims Tribunal (I Additional District Judge), Virudhunagar to be tried jointly along with MCOP.Nos. 73 to 76, 78 and 79 of 2016 pending on the file of Motor Accident Claims Tribunal (I Additional District Judge), Virudhunagar.

2.The learned counsel for the petitioner submits that the first petitioner/claimant has filed a claim petition in MCOP.No.189 of 2016 before the Motor Accident Claims Tribunal / Chief Judicial Magistrate, Tirunelveli for compensation of Rs.5,00,000/- with interest and it is pending. Now, the batch cases in MCOP.Nos. 73 to 79 of 2016 are pending before the Motor Accident Claims Tribunal (I Additional District Judge), Virudhunagar. He further submitted that since all the claim petitions are arising out of same accident, Insurance Company and owner of the vehicle are one and the same and issues framed would be same, it has become just and necessary to transfer the claim petition in MCOP.No.189 of 2016 to the file of Motor Accident Claims Tribunal (I Additional District Judge), Virudhunagar for joint trial along with batch of cases and it would be beneficial to all the parties concerned without any room for conflicting decisions in the determination of compensation. Hence, he prays to transfer the case.

3.Though notice have been served to the respondents 2 to 9, paper publication was effected and their names were printed in the cause list, the respondents 2 to 9 have not chosen to appear either in person or through their counsel duly instructed.

4.The learned counsel for the first respondent would submit that the claimant has been referred to the Medical Board for assessment of disability and the statement of witnesses were almost recorded in this case. However, he has no objection to transfer the case. But then, he prays to dispose the case within a stipulated period.

5. This Court is satisfied with the reasons assigned in the affidavit filed in support of this petition. To avoid conflicting judgments, this Court is inclined to direct the concerned court to try the cases simultaneously.

6. In view of the same, M.C.O.P.No.189 of 2016 is withdrawn from the file Motor Accident Claims Tribunal /Chief Judicial Magistrate, Tirunelveli and transferred to the file of the Motor Accident Claims Tribunal (I Additional District Judge),



Virudhunagar to be tried along with M.C.O.P.Nos. 73 to 76, 78 & 79 of 2016 for disposal as per law. The Motor Accident Claims Tribunal /Chief Judicial Magistrate, Tirunelveli is directed to transmit the papers to the Motor Accident Claims Tribunal (I Additional District Judge), Virudhunagar forthwith. The I Additional District Judge, Virudhunagar is directed to dispose M.C.O.P.No.189 of 2016 along with M.C.O.P.Nos. 73 to 76, 78 & 79 of 2016 on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

msa

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.

To:

1. The Chief Judicial Magistrate
Motor Accident Claims Tribunal, Tirunelveli
2. The I Additional District Judge
Motor Accident Claims Tribunal, Virudhunagar
copy to
The Registrar Judicial,
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.S.SRINIVASA RAGAVAN, Advocate (SR-20204[F] dated 25/06/2021)

Order made in
Tr.C.M.P. (MD) No.86 of 2019
and
C.M.P. (MD) No.2045 of 2019

Dated:
24.06.2021

KM(02.07.2021) 3P 5C

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