



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED :07.07.2021

**CORAM:**

**THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN**

**Tr.C.M.P. (MD) No.87 of 2019**

**and CMP (MD) .No.2046 of 2019**

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The Branch Manager

M/s.Cholamandalam MS General

Insurance Company Limited

3-4, First Floor, Dindigul Highway Road

Opposite to Mappillai Vinayagar Theatre

Madurai 625 016

...Petitioner/3rd Respondent

-vs-

1.S.Revathi

2.The General Manager

Tamil Nadu State Transport Corporation

Virudhunagar.

3.Sanathi Cabs India

Through its Proprietor Baskaran

No.1,H.R.Church Buildings,

R.M.S.Road, Madurai-1.

4.The General Manager,

Tamil Nadu State Transport

Corporation Limited,

Vannarapettai,

Tirunelveli-3.

5..M.Padmavathy

6.M.Mahadevan

7.M.Vasanthi

8.Jeyamani

9.S.Mahima @ Mahima Sriramani

10.Thenmalar

....Respondents

(Respondents 5 to 10 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.1090 of 2015 on the file of Motor Accident Claims Tribunal / Special Sub Judge, Madurai 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 to R10 : No appearance

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**O R D E R**

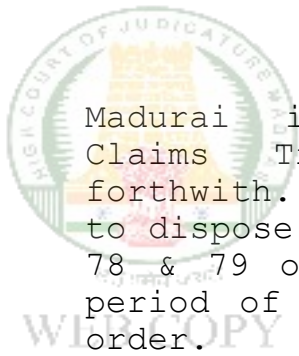
The present Transfer Civil Miscellaneous Petition is filed to withdraw the claim petition in MCOP.No.1090 of 2015 on the file of and transfer the same to the Motor Accident Claims Tribunal ( I Additional District Judge), Virudhunagar to be tried jointly along with MCOP.Nos.73 to 76, 78 and 79 of 2016 pending on the file of Motor Accident Claims Tribunal (I AMotor Accident Claims Tribunal/Special Sub Judge, Madurai dditional District Judge), Virudhunagar.

2.The learned counsel for the petitioner submits that the first respondent/claimant has filed a claim petition in MCOP.No.1090 of 2015 before the Motor Accident Claims Tribunal/Special Sub Judge, Madurai 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.1090 of 2015 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 and their names were printed in the cause list, the respondents have not chosen to appear either in person or through their counsel duly instructed.

4. 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.

5. In view of the same, M.C.O.P.No.1090 of 2015 is withdrawn from the file Motor Accident Claims Tribunal /Special Sub Judge, Madurai 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 /Special Sub Judge,



Madurai 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.1090 of 2015 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.

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

msa/cp

To:

1. The Special Subordinate Judge,  
Motor Accident Claims Tribunal, Madurai
2. The I Additional District Judge  
Motor Accident Claims Tribunal, Virudhunagar

+1 CC to M/s.S.SRINIVASA RAGHAVAN, Advocate ( SR-21600[F] dated 08/07/2021 )

**Tr.C.M.P. (MD) No.87 of 2019**  
**and CMP (MD) .No.2046 of 2019**

**07.07.2021**

SSS (CO)

LR (14.07.2021) 3P 4C