



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Tr.C.M.P. (MD) No.318 of 2021 and

CMP(MD).No.6766 of 2021

WEB COPY

The Branch Manager,
TATA AIG General Insurance Company Ltd.,
Chennai Office,
Samson Towers, 2nd Floor,
No.403 L, Pantheon Road,
Sulaiman Zackria Avenue,
Egmore, Chennai - 600 008. ... Petitioner

-VS-

1.Rakkammal
2.M.Shanmugam ... Respondents

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the claim petition in MCOP.No.11 of 2020 on the file of the Motor Accidents Claims Tribunal, Subordinate Court, Uthamapalayam and transfer the same to the file of Motor Accidents Claims Tribunal, Subordinate Court, Tiruppur District at Dharapuram to try along with MCOP.No.537 of 2014.

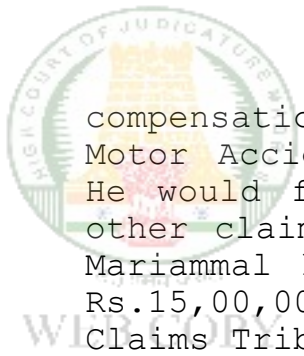
For Petitioner : Mr. J.S. Murali
For respondent : No appearance

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw the case in MCOP.No.11 of 2020 on the file of the Motor Accidents Claims Tribunal, Subordinate Court, Uthamapalayam and transfer the same to the file of Motor Accidents Claims Tribunal, Subordinate Court, Tiruppur District at Dharapuram to try along with MCOP.No.537 of 2014.

2. Though notice has been served on the respondent and his name is also printed in the cause list, there is no representation on behalf of the respondents.

3. The learned counsel for the petitioner would submit that the petitioner is the Insurance Company. The Motor Cycle bearing Regn.No.TN60W1519 which was insured with the petitioner, was involved in the accident, resulting in the death of one Mariammal on 29.07.2013. The first respondent who claims to be the sister of the deceased Mariammal has filed MCOP.No.11 of 2020 claiming



compensation of Rs.10,00,000/- and the same is pending before the Motor Accidents Claims Tribunal, Subordinate Court, Uthamapalayam. He would further submit that in respect of very same claim two other claimants claiming to be the nephew and grandson of the said Mariammal have filed MCOP.No.537 of 2014 claiming compensation of Rs.15,00,000/- and the same is pending before the Motor Accidents Claims Tribunal, Sub Court, Tiruppur District at Dharapuram.

4. Both these claim petitions are relating to the death of one Mariammal and thereby, in order to avoid conflicting decisions, the present petition has been filed seeking to withdraw the case in MCOP.No.11 of 2020 on the file of the Motor Accidents Claims Tribunal, Subordinate Court, Uthamapalayam and to transfer the same to the file of the Motor Accidents Claims Tribunal, Subordinate Court, Tiruppur District at Dharapuram to be tried along with MCOP.No.537 of 2014.

5. Considering the fact that both the claim petitions are in relation to the death of same person Mariammal and that the petitioner is the insurer of the vehicle alleged offending Motor Cycle bearing Regn.No.TN 60 W 1519, which was involved in the alleged accident and that this Court feels it is appropriate to transfer the case in MCOP.No.11 of 2020 on the file of the Motor Accidents Claims Tribunal, Subordinate Court, Uthamapalayam to the file of Motor Accidents Claims Tribunal, Subordinate Court, Tiruppur District and Dharapuram to be tried along with MCOP.No.537 of 2014 to avoid conflicting decisions.

6. Accordingly, the Transfer CMP is allowed and the MCOP.No.11 of 2020 pending on the file of the Motor Accidents Claims Tribunal, Subordinate Court, Uthamapalayam is hereby withdrawn and transferred to the file of Motor Accidents Claims Tribunal, Subordinate Court, Tiruppur District at Dharapuram to be tried along with MCOP.No.537 of 2014. The the Motor Accidents Claims Tribunal, Subordinate Court, Uthamapalayam is directed to transmit the papers to the file of the Motor Accidents Claims Tribunal, Subordinate Court, Tiruppur District at Dharapuram forthwith. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

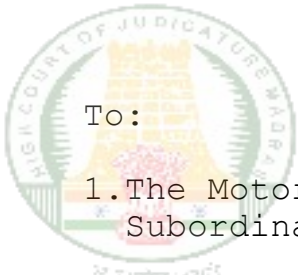
Assistant Registrar (CS-I)

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/ /2021

Sub Assistant Registrar(CS)

trp



To:

1.The Motor Accidents Claims Tribunal,
Subordinate Court, Uthamapalayam.

2.The Motor Accidents Claims Tribunal,
Subordinate Court,
Tiruppur District at Dharapuram

+1 CC to M/s.J.S.MURALI, Advocate (SR-28743[F] dated 09/09/2021)
Tr.C.M.P.(MD) No.318 of 2021 and
CMP(MD) .No.6766 of 2021
08.09.2021

VR(CO)

GC(20.10.2021) 3P 4C