



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Friday, the Eighth day of October Two Thousand and Twenty One

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

TR CMP(MD). Nos.482 to 485 of 2016

Royal Sundaram Alliance Insurance Co.Ltd.,
Visanthi Mechloram Towers,
No.2/319, Rajiv Gandhi Salai (Omr),
Karapakkam, Chennai-600 002.

... Petitioner in all Tr. CMP(MD) cases

Vs

1 Manojkumar

2 Ayyappan

... Respondents in Tr.CMP(MD).No.482/2016

1. Minor.Mogasri
(Minor represented by Mother & Next Friend of Kalai Selvi)

2. Prakash

3. M/s.Sriram General Insurance Co.Ltd.,
E-8, EPIP, RIICO Industrial Area, Sithapura, Jaipur.

4. M.S.Ayyappan ... Respondents in TR CMP(MD). 483/ 2016

1. Kalai Selvi

2. Prakash

3. M/s.Sriram General Insurance Co.Ltd.,
E-8, EPIP, RIICO Industrial Area, Sithapura, Jaipur.

4. M.S.Ayyappan ... Respondents in TR CMP(MD). 484/ 2016

1. Thirukumaresan

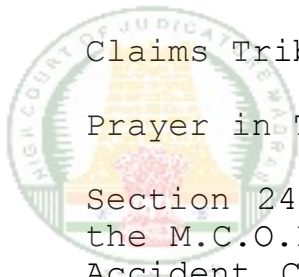
2. Prakash

3. M/s.Sriram General Insurance Co.Ltd.,
E-8, EPIP, RIICO Industrial Area, Sithapura, Jaipur.

4. M.S.Ayyappan ... Respondents in TR CMP(MD). 485/ 2016

Prayer in Tr. CMP(MD).No. 482 of 2016:-

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, praying this Court to withdraw the M.C.O.P. No. 61 of 2015 on the file of the Motor Accident Claims Tribunal (Sub Court), Kulithalai and transfer the same for Joint trial along with M.C.O.P. No. 907 of 2015 on the file of the Motor Accident



Claims Tribunal (Chief Judicial Magistrate), Perambalur.

Prayer in Tr. CMP(MD).Nos. 483 to 485 of 2016:-

These Transfer Civil Miscellaneous Petitions filed under Section 24 of Civil Procedure Code, praying this Court to withdraw the M.C.O.P. Nos. 467, 468 and 469 of 2015 on the file of the Motor Accident Claims Tribunal (Special Sub Court), Trichy and transfer the same for Joint trial along with M.C.O.P. No. 907 of 2015 on the file of the Motor Accident Claims Tribunal (Chief Judicial Magistrate), Perambalur.

ORDER:- These Petitions coming upon for hearing under the caption for being mentioned on this day and upon perusing, the earlier order dated 25.08.2021 and the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. S.Srinivasa Raghavan, Advocate for the Petitioner in all Tr CMPs and of Mr. N. Sudhagar Nagaraj, Advocate for the 1st respondent in Tr. CMP(MD).Nos. 483 to 485 of 2016, Mr. D.Sivaraman, Advocate for the 3rd respondent in Tr. CMP(MD).Nos. 483 to 485 of 2016, and 2nd respondent was not appeared either in person or by an Advocate in Tr. CMP(MD).Nos. 483 to 485 of 2016, this Court made the following order:

On 25.08.2021, this Court, while dismissing the above Transfer Civil Miscellaneous Petitions as infructuous, has passed the following order :

"When the matters are taken up for hearing today, Mr.D.Sivaraman, learned counsel appearing for M/s.Sriram General Insurance Co. Ltd., would submit that the petition in M.C.O.P. No.907 of 2015 which was pending on the file of the Motor Accident Claims Tribunal, (Chief Judicial Magistrate), Perambalur, has already been disposed on 04.07.2017 and hence the Transfer Civil Miscellaneous Petition has become infructuous.

2.In view of the above-said submission, these Transfer Civil Miscellaneous Petitions are dismissed as infructuous. No costs. Consequently, connected Miscellaneous Petitions are dismissed.

2.Later, it was brought to the notice of this Court by Mr.S.Srinivasa Raghavan, learned counsel for the petitioner that M.C.O.P. No.907 of 2015 was decreed ex-parte on 04.07.2017 and that subsequently, the respondents have filed a petition to set aside the ex-parte decree and thereby, the ex-parte decree had been set aside and M.C.O.P.No.907 of 2015 was restored and hence, the learned counsel requested the Court to list the matter under the caption for "Being Mentioned."

3. On 05.10.2021, when the matters have been listed under the caption for "being mentioned", this Court has passed the following order :

"Today the matter is listed under the caption for



"being mentioned".

2. All the above Tr.C.M.P(MD)Nos.482 to 485 of 2016 have been filed seeking to transfer the respective MCOP Nos.61, 467, 468, 469 of 2015 pending on various Motor Accident Claims Tribunal, Trichy, to the file of the Motor Accident Claims Tribunal - Chief Judicial Magistrate, Permbalur, for joint trial along with MCOP No.907 of 2015.

3. When the matter was listed on 25.08.2021, on the representation made by Mr.D.Sivaraman, learned counsel appearing for the third respondent - Insurance Company that MCOP No.907 of 2015 which was pending on the file of Motor Accident Claims Tribunal - Chief Judicial Magistrate, Permbalur, had already been disposed of on 04.07.2017, the above Tr.C.M.P(MD) Nos.482 to 485 of 2016 were dismissed as infructuous. However, now it has been brought to the notice of this Court by Mr.D.Sivaraman, learned counsel for the third respondent that MCOP.No.907 of 2015 on the file of the Motor Accident Claims Tribunal - Chief Judicial Magistrate, Permbalur, had been allowed ex-parte and later on the petition being filed to set aside the ex-parte order, the MCOP.No.907 of 2015 had been restored to the file of the same Court on 04.07.2017 and it is still pending.

4. Mr.D.Sivaraman, learned counsel would seek apology for making a wrong representation before this Court and he would seek time to get instructions with regard to the status of the all other cases and report before this Court.

5. Post the matter on 08.10.2021."

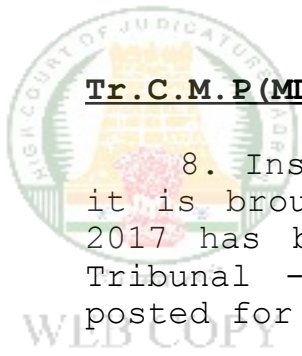
4 Today, these matters have been listed again under the caption "For Being Mentioned".

5. Heard both sides and perused the orders passed by this Court.

Tr.C.M.P(MD)No.482 of 2016:

6. Mr.S.Srinivasa Raghavan, learned counsel for the petitioner would submit that M.C.O.P.No.61 of 2015 on the file of the Motor Accidents Claims Tribunal, (Subordinate Court), Kulithalai, had already been disposed of, on 05.02.2021 and hence, Tr.C.M.P(MD) No.482 of 2016 has become infructuous.

7. Recording the said submission, Tr.C.M.P(MD)No.482 of 2016 is dismissed as infructuous. No costs. Consequently, C.M.P(MD) No.9761 of 2016, is also dismissed.



Tr.C.M.P(MD)Nos.483 to 485 of 2016:

8. Insofar as Tr.C.M.P(MD)Nos.483 to 485 of 2016 are concerned, it is brought to the notice of this Court that M.C.O.P.No.907 of 2017 has been restored to the file of the Motor Accident Claims Tribunal - Chief Judicial Magistrate, Permbalur and the same is posted for enquiry on 12.10.2021.

9. In view of the above, the order, dated 25.08.2021, passed in Tr.C.M.P(MD)Nos.483 to 485 of 2016, is recalled.

10. Notice to the respondents returnable in two weeks. Private notice is also permitted.

11. The learned counsel for the petitioner is permitted to serve notice on the learned counsel appearing for the respondents before the trial Court, returnable by then.

12. Post the matters on **22.10.2021**. There shall be an order of interim stay till then.

13. Registry is directed to issue fresh order copies to all the parties.

Sd/-

Assistant Registrar (AD-II)

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/ /2021

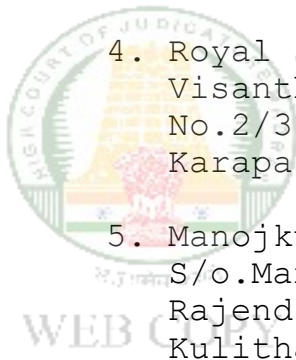
Sub Assistant Registrar(CS)

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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,
Perambalur.
2. The Special Sub Judge,
Motor Accident Claims Tribunal, Trichy.
3. The Sub Judge,
Motor Accident Claims Tribunal,
Kulithalai.



4. Royal Sundaram Alliance Insurance Co.Ltd.,
Visanthi Mechloram Towers,
No.2/319, Rajiv Gandhi Salai (OMR),
Karapakkam, Chennai-600 002.
5. Manojkumar,
S/o.Manoharan,
Rajendiram Agraharam,
Kulithalai Taluk, Karur District.
6. Ayyappan,
S/o.Sivagurunathan,
No.44, Salai Road, Woraiyur, Trichy.
7. Minor.Mogasri,
D/o.Thirukumaran,
P.No.153, Aruna Avenue, 1st St.,
Milk Dairy Karumandapam Post, Trichy-1.
(Rep by Mother & Next Friend R1)
8. Kalai Selvi,
W/o.Thirukumaran,
P.No.153, Aruna Avenue, 1st St.,
Milk Dairy Karumandapam Po, Trichy-1.
9. Prakash
No.4/156, Adi Dravidar Colony,
Ambedkar Nagar, Navalur Kulathupatti,
Tiruchirappalli District.
10. M/s.Sriram General Insurance Co.Ltd.,
E-8, EPIP, RIICO Industrial Area, Sithapura, Jaipur.
11. Thirukumaresan
S/o.Parattai Reddiar,
P.No.153, Aruna Avenue, 1st St.,
Milk Dairy Karumandapam Po, Trichy-1.

+ 1 cc to Mr. S.Srinivasa Raghavan, Advocate SR.No. 31874.

ORDER DATED : 08/10/2021

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ORDER

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TR CMP(MD) . Nos.482 to 485/2016
Giving direction and etc.
as stated within.

KB(21.10.2021) 5P 13C