

33. 11.07.2022
Ct. No.14
Tanmoy

C.O. 1800 of 2022

Rina Maity & Ors.

-Versus-

Reliance General Insurance Co. Ltd. & Ors.

Mr. Rajdeep Bhattacharya, Adv.

...for the petitioners.

Mr. Sanjay Pal, Adv.

...for the OP No.1.

This revision arising out of an application under Section 24 of the Code of Civil Procedure is taken up for hearing.

I have heard learned Counsel appearing for the parties.

The petitioners, who are the claimants of the claim application in this application, state that they filed the Motor Accident Claim Case No.142 of 2010 in the Court of the learned District Judge, Purba Mednipur and this case is now pending in the Motor Accident Claims Tribunal, Additional District Judge, 1st Court, Tamluk, Purba Medinipur.

The petitioners state that the distance between their house and the Motor Accident Claims Tribunal at Tamluk is around 50 kilometers. Their house situates near the Court of the learned District Judge, Paschim Medinipur at Midnapore. The Office of the Insurance company situates at Kharagpur under the Judgeship of Paschim Medinipur.

If the petitioners have to appear before the MAC Tribunal at Tamluk, travelling a long distance, they will face immense inconvenience. Hence, the prayer.

Since affidavit-in-opposition has not been filed, the facts and circumstances as narrated by the petitioners in the application remain uncontroverted.

As the circumstances as narrated in the application indicate, it will be hardship for the petitioners to appear before the Tribunal at Tamluk to attend the motor accident claim proceeding.

Having heard learned Counsel appearing for the parties and considering the balance of convenience and inconvenience of the parties, I think that it will be wise to withdraw the aforesaid motor accident claim case and transfer the same to the Court of the learned District Judge, Paschim Medinipur.

In view of the above, the application is allowed.

Let the MACC Case No.142 of 2010 be withdrawn from the Motor Accident Claims Tribunal, Additional District Judge, 1st Court, Tamluk, Purba Medinipur and the same be transferred to the Court of the learned District Judge, Paschim Medinipur for disposal.

The learned District Judge, Paschim Medinipur may dispose of the motor accident claim case either himself, or transfer the case to any of the Motor Accident Claims Tribunals at Midnapore for disposal.

The learned Judge, Motor Accident Claims Tribunal, 1st Court, Tamluk, is directed to transmit the case records to the Court of the learned District Judge, Paschim Medinipur immediately after receipt of a copy of this order.

As submitted by learned Counsel for the Insurance company, the opposite party no.1 is desirous of contesting the case.

The learned transferee Tribunal shall serve notice upon the Insurance company after the case records are received by it. Learned Tribunal Shall allow the Insurance company to contest the case if it approaches the Tribunal in this regard.

The department is directed to communicate this order to both the learned Tribunals immediately.

With the aforesaid direction, the revisional application being C.O. 1800 of 2022 stands disposed of. However, there will be no order as to costs.

Let urgent Photostat certified copies of this order, if applied for, be made available to the parties upon compliance with all necessary formalities.

(Rabindranath Samanta, J.)