

IN THE HIGH COURT OF ORISSA AT CUTTACK
TRP (C) No.222 of 2022

1.Jemamani Pasayat
2.Binodini Barik
3.Chandrabati Pasayat

..... **Petitioners**
Mr.Jagabandhu Sahu, Advocate
Versus

1.Nirupama Behera
2.IFFCO TOKIO General
Insurance Company Ltd.
Bhubaneswar Branch
3.Dasarathi Karmi
4.National Insurance Company Ltd.
Sambalpur Division

..... **Opposite Parties**
Mr.B.N.Udgata, Advocate
(for O.P.No.4)
None for O.Ps.1 to 3

CORAM:
JUSTICE SAVITRI RATHO

ORDER
21.09.2022

Order No.
05.

(Through hybrid mode)

1. Heard Mr.Jagabandhu Sahu, learned counsel for the petitioners and Mr.B.N.Udgata, learned counsel for the opposite party No.4. None appears for the opposite party Nos.1 to 3 when the matter is called.

2. This application has been filed by the petitioners under Section 24 of C.P.C. for transfer of M.A.C. Case No.21/01 of 2011-17 filed by them in the Court of learned Additional District Judge-cum-Motor Accident Claims Tribunal, Sonapur, to the Court of learned 1st Additional District Judge-cum-Motor Accident Claims Tribunal, Balangir.

3. Mr. Jagabandhu Sahu, learned counsel for the petitioners submits that 05 other cases relating to the same accident are pending before the learned 1st Additional District Judge-cum-Motor Accident Claims Tribunal, Balangir, for which it would be convenient for all the parties if M.A.C. Case No.21/01 of 2011-17 is also transferred there, so that all the cases can be tried together by the same Judge. The cases stated to be pending in Balangir are :

- i. MAC No. 82/82 of 2010-12 filed by Smt. Mahindri Behera and other ;
- ii. MAC No. 87/99 of 2010-12 filed by Shiba Nag and another ;
- iii. MAC No.89/83 of 2010-12 filed by Ambika Bisi ;
- iv. MAC No.190/147 of 2010-12 filed by Parbati Barik and others ;
- v. MAC No. 192/148 of 2010-12 filed by Baishnaba Barik and others.

4. It is further submitted that the opposite parties in those 5 MAC cases are the same as the opposite parties in M.A.C. Case No. 21/01 of 2011-17. Hence no inconvenience will be caused to them if the case is transferred to the learned 1st Additional District Judge-cum-Motor Accident Claims Tribunal, Balangir.

5. Mr. Udgata, learned counsel for the opposite party No.4 does not dispute that five other cases relating to the same accident are pending in the Court of 1st Additional District Judge-cum-Motor Accident Claims Tribunal, Balangir.

6. In view of the above submissions, I am convinced that it would in the interest of justice, if the M.A.C. Case No.21/01 of 2011-

17 is transferred from the Court of learned Additional District Judge-cum-Motor Accident Claims Tribunal, Sonapur, to the Court of learned 1st Additional District Judge-cum-Motor Accident Claims Tribunal, Balangir so that the case can be heard alongwith the aforesaid five cases.

7. The learned Additional District Judge-cum-Motor Accident Claims Tribunal, Sonapur is requested to transmit the records of M.A.C. Case No.21/01 of 2011-17 (***Jemamani Pasayat and others vs. Nirupama Behera and others***), to the Court of learned 1st Additional District Judge-cum-Motor Accident Claims Tribunal, Balangir by 12.10.2022. The learned 1st Additional District Judge-cum-Motor Accident Claims Tribunal, Balangir shall issue notice to the parties for their appearance in the MAC case.

8. The TRP (C) is accordingly allowed.

9. Registry is directed to send a copy of this order to the Court of learned Additional District Judge-cum-Motor Accident Claims Tribunal, Sonapur for compliance.

10. Urgent certified copy of this order be granted as per rules.

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Savitri Ratho
Judge

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