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TR.CMP.No.467 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

TR.CMP.No.467 of 2022
and CMP.No.8432 of 2022

The Cholamandalam MS General Insurance Co. Ltd.
Dare House, 2nd Floor,
No.2, NSC Bose Road,
Chennai - 600 001.

... Petitioner

VS

1. Rani
2. Thangeshwari
3. Pandiyammal
4. Panjavarnam
5. Muthusamy

... Respondents

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, praying to withdraw the MCOP.No.1579 of 2019 from the file of the Motor Accidents Claims Tribunal, Special District Judge for MCOP cases, Salem and transfer the same to the file of Motor Accidents Claims Tribunal, District Judge, Madurai for disposal along with MCOP No.580 of 2019 and MCOP No.581 of 2019 now pending before the MACT, District Judge, Madurai.



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For Petitioner : Mr.B.Raghavan
For Respondents : Mr.T.S.Arthanareeswaran (R1 to R5)
Mr.J.Chandran (R8)
No appearance (R6 & R7)

ORDER

The present transfer petition is filed seeking transfer of the motor vehicles claim petition in MCOP.No.1579 of 2019 from the file of Special District Judge for MCOP cases, Salem to the file of Motor Accidents Claims Tribunal, Madurai, for hearing along with MCOP.Nos.580 and 581 of 2019.

2. According to petitioner, three motor vehicles original petitions were filed by the victims of road accident. All these original petitions are arising out of the same accident that had taken place on 10.12.2018. If these three original petitions are allowed to go on separately, there is every likelihood of conflict of judicial verdicts. Therefore, in the interest of justice, three cases have to be clubbed together in the same Court.

3. The learned counsel appearing for the 8th respondent has no objection for allowing this transfer petition.



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4. Though the sixth and seventh respondents were served and their names appear in the cause list, there is no representation for them.

5. By taking into consideration three original petitions are arising out of the same accident and in the interest of justice, this Court is inclined to order the above transfer application.

6. Accordingly, the transfer Civil Miscellaneous petition is allowed by withdrawing the MCOP.No.1579 of 2019 , from the file of Special District Judge for MCOP cases, Salem to the file of Motor Accidents Claims Tribunal, District,Judge, Madurai, for disposal along with MCOP.Nos.580 and 581 of 2019. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes / No
Speaking Order : Yes / No
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S.SOUNTHAR, J.

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To

- 1.The Motor Accidents Claims Tribunal,
District Judge, Madurai.
- 2.The Motor Accidents Claims Tribunal,
Special District Judge for MCOP cases,
Salem.

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