



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2022

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

Tr.C.M.P.No.609 of 2021

&

C.M.P.No.15409 of 2021

K.Kanaga

...Petitioner

Vs

1.B.Sivakumar

2.S.Santhosh

3.The Manager,
IFFCO TOKIO General Insurance Co.Ltd.,
4th Floor Iffco Bhavan No.128,
Habibullah Road,
T.Nagar, Chennai - 600 017.

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure to withdraw the Motor Accident Claim Petition in M.C.O.P.No.2976 of 2019, now pending on the file of the Chief Judge of Small Causes Court / Motor Claim Tribunal at Chennai and transfer to the Motor Accident Claim Tribunal / Additional District Judge - III at Poonamallee to be heard and tried along with M.C.O.P.No.350 of 2019.

For Petitioner	:	Mr.R.Veeramani
For Respondent 1	:	Mr.F.Terry Chellaraja for Mr.A.A.Venkatesan
For Respondent 2	:	Not ready in notice
For Respondent 3	:	Mr.J.Michael Visuvasam

ORDER

M.C.O.P.No.350 of 2019 is filed by the mother of the deceased and M.C.O.P.No.2976 of 2019 is filed by the husband of the deceased. In both the petition, the other is shown as the 3rd respondent. However, M.C.O.P.No.350 of 2019 has been filed later in point of time. Therefore, the learned Additional District Judge III, Poonamallee is directed to dismiss the petition in M.C.O.P.No.350 of 2019.



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2. The memorandum has been filed by the learned counsel appearing for the Insurance Company stating that there are five claim petitions, two of the claim petitions, which includes subject matter of transfer, i.e., M.C.O.P.No.2976 of 2019 are pending before the learned Chief Judge, Small Causes Court, Chennai and others, namely, M.C.O.P.Nos.3242 to 3244 of 2019 are pending before the learned V Judge, Court of Small Causes, Chennai.

3. Though no formal application has been made seeking transfer, however, considering the fact that the cause of action is one and the same and the evidence to be let in, in all these applications are same, this Court exercising its powers of transfer under Section 24 of the Code of Civil Procedure is transferring M.C.O.P.Nos.3242 to 3244 of 2019, pending on the file of the learned V Judge, Court of Small Causes, Chennai to the file of the learned Chief Judge, Court of Small Causes, Chennai to be tried along with M.C.O.P.No.2976 of 2019 and M.C.O.P.No.3157 of 2019.

4. The Transfer Civil Miscellaneous Petition is disposed of on the above lines. Consequently, connected Civil Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The Additional District Judge III,
Motor Accident Claims Tribunal,
Poonamallee.

2.The V Judge,
Court of Small Causes, Chennai

3.The Chief Judge,
Court of Small Causes, Chennai.

+1cc to Mr.A.A.Venkatesan, Advocate SR.No.16117

+1cc to Mr.J.Michael Visuvasam, Advocate SR.No.16418

Tr.C.M.P.No.609 of 2021

MT(CO)

GN(25/03/2022)