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TR.C.M.P.No.894 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :31.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

TR.C.M.P.No.894 of 2022
and C.M.P.No.15461 of 2022

Chenna Kesavan

... Petitioner

VS

1. The Managing Director,
Tamil Nadu State Transport Corporation (CBE) Ltd.,
Chennimalai,
Coimbatore.

2. The New India Assurance Co. Ltd.,
Trichy Branch Office,
Juman Centre,
43-A, Promenade Road,
Cantonment PB.No.155,
Trichy.

3. R.Tamilmani

4. B.Kalaiselvan ... Respondents

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, pleaded to withdraw the M.C.O.P.No.552 of 2017 from the file of the Hon'ble VI Small Causes Court, Chennai and transfer the same to the Hon'ble Sub Court, Harur.

For Petitioner : Mr.Desinghu

For Respondents : No appearance



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ORDER

The petitioner filed this transfer petition seeking transfer of the Motor Vehicles Claim petition filed in M.C.O.P.No.552 of 2017 from the file of VI Small Causes Court, Chennai to the Sub Court, Harur.

2. All the respondents were served and their names appeared in the cause list. There is no representation for the respondents.

3. According to the learned counsel for the petitioner on 24.05.2016 when he was travelling along with his friends in a tempo van belonged to the 3rd respondent driven by the 4th respondent, a Transport Corporation Bus belonged to the 1st respondent, dashed against the tempo van and as a consequence, the petitioner got injured and disabled permanently. The petitioner filed this Motor Vehicle Claim Petition before the Court at Chennai when he was taking treatment at Chennai. According to him, Harur in Dharmapuri District is his native place and he also produced copy of AADHAR and Family Card in support of his claim that he is a native of Harur. It is specifically averred by the petitioner that Claim petition was filed before the Court at Chennai when he was taking treatment at Chennai. Now



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he has returned back to his native place. Therefore, the petitioner seeks transfer of above claim petition from Chennai to Harur. It is prima facie seen from the cause title that 3rd and 4th respondents are residing at Harur. In his affidavit filed in support of transfer petition, the petitioner/ road accident victim had stated that there was nobody to accompany him to under take travel to attend Court hearings at Chennai and he found it very difficult to under take long travel due to injuries suffered by him. Therefore in view of the specific statement made by the petitioner that he is a native of Harur and he finds it very difficult to appear before the Court at Chennai, in view of the injury suffered by him, this Court is inclined to order the above transfer petition.

4. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. The petition filed in M.C.O.P.No.552 of 2017, pending on the file of the VI Small Causes Court, Chennai is withdrawn and transferred to the Sub Court, Harur. Consequently, connected miscellaneous petition is closed. No costs.

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Index : Yes / No
Speaking Order : Yes / No
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To

1. The VI Small Causes Court, Chennai
2. The Subordinate Court, Harur.
3. The Managing Director,
Tamil Nadu State Transport Corporation (CBE) Ltd.,
Chennimalai,
Coimbatore.
4. The New India Assurance Co. Ltd.,
Trichy Branch Office,
Juman Centre,
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S.SOUNTHAR, J.

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