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Tr.C.M.P.No.855 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:18.10.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

Tr.C.M.P.No.855 of 2022
and CMP.No.14631 of 2022

1.Jayalakshmi
2.Minor V.S.Sathurpuja

...Petitioners

Vs

1.K.V.Adwaith Krishnan
2.The ICICI Lombard General Insurance Company Limited,
(Third Party Cell),
No.84/85, Arihant Plaza, 1st Floor,
Wall Tax Road, Chennai – 3.
3.A.Malarselvi

... Respondents

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, praying to withdraw the MCOP.No.53 of 2021 on the file of the Subordinate Judge, Jayamkondam and transfer the same to the file of the Motor Accident Claims Tribunal, III Additional District Court, Poonamallee, for disposal along with MCOP.No.249 of 2020.



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For Petitioner : Mr.S.Krithika devi

For Respondent : No appearance

ORDER

The transfer petition is filed by the petitioner, a claimant in MCOP.No.249 of 2020, on the file of Motor Accident Claims Tribunal, Poonamallee, seeking transfer of similar claim petition filed by her mother-in-law in MCOP.No.53 of 2021, on the file of the Subordinate Court, Jayamkondam to the Motor Accident Claims Tribunal, Poonamallee, for disposal along with her claim petition.

2. According to the petitioners, the husband of the first petitioner, father of the second petitioner viz., Vivek passed away in a road accident that occurred on 02.11.2020, the petitioners filed a claim petition in MCOP.No.249 of 2020, before the Motor Accident Claims Tribunal, Poonamallee. The mother of the deceased namely mother-in-law of the first petitioner and grandmother of the second petitioner filed another petition in MCOP.No.53 of 2022, on the file of the Motor Accident Claims Tribunal.



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3. Though the notice is served on the respondent, there is no representation for the respondent.

4. If these two O.Ps. go on separately, there is a likelihood of having conflict of judicial verdicts.

5. Taking into consideration the facts of the case, this Court is of the view that interest of justice would be served if both the petitions are heard together. Hence, this Court is inclined to transfer the MCOP.No.53 of 2021, pending on the file of Subordinate Judge, Jayamkondam and transfer the same to the Motor Accident Claims Tribunal (III Additional District Court), Poonamallee.

6. Accordingly, the transfer Civil Miscellaneous Petition is allowed and MCOP.No.53 of 2021 is withdrawn from the file of Subordinate Judge, Jayamkondam and transferred to the Motor



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S.SOUNTHAR, J.

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Accident Claims Tribunal (III Additional District Court), Poonamallee.

No costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/ No

Speaking Order / Non-Speaking Order

To

- 1.The Subordinate Judge, Jayamkondam.
- 2.The Motor Accident Claims Tribunal,
III Additional District Court, Poonamallee.

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