



TR.C.M.P(MD).No.192 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

TR.C.M.P(MD).No.192 of 2022
and C.M.P(MD).No.3451 of 2022

Amutha

... Petitioner

versus

1.David Raja Hendry
2.National Insurance Company Ltd.,
1st Floor, 5-A, Kalaignar Malaigai,
Sub-Collector's Office Road,
YMR Patti, Dindigul-624 001.

3.Jeyaram
4.United India Insurance Company Ltd.,
By its Branch Manager,
Cavery Nagar, Kulithalai.

... Respondents

Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C, to withdraw the case in M.C.O.P.No.618 of 2019 on the file of the Sub Judge/Motor Accident Claims Tribunal, Kulithalai, Karur District and to transfer the said case to any of the Motor Accident Claims Tribunal at Dindigul in the campus of Dindigul District Court.



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For Petitioner : Mr.N.Sudhagar Nagaraj
For Respondent : No appearance (for R1 & R3)
Mr.J.S.Murali (for R2)
Mr.S.Royee Emmanuel

ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking transfer of the proceedings in M.C.O.P.No.618 of 2019 from the file of the Sub Judge/Motor Accident Claims Tribunal, Kulithalai, Karur District to the file of the Motor Accident Claims Tribunal at Dindigul District.

2.The petitioner was travelling as a pillion rider on the two wheeler bearing Registration No. TN 57 BJ 0813 belonging to the third respondent and insured with the fourth respondent. One Pitchaimani was riding the said vehicle from east to west, at that time a van bearing registration No.TN 57 XB 3971 belonging to the first respondent and insured with the second respondent, which was driven in a rash and negligent manner from the opposite direction dashed against the two wheeler. Due to the same, the petitioner sustained grievous injuries and she underwent a major operation. After the medical treatment, the petitioner has filed



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M.C.O.P.No.618 of 2019 seeking for compensation, before the Sub Judge/Motor Accident Claims Tribunal, Kulithalai, Karur District, since her son was studying College at Kulithalai, Karur District at that relevant point of time. Now, he completed his studies and the petitioner is permanently residing at Alayampalayam Village, Dindigul District. Hence, she filed this present Transfer Civil Miscellaneous petition.

3.The learned counsel appearing for the petitioner submits that the distance between Dindigul and Kulithalai is around 100 kms and the petitioner, who has lost her husband finds it very difficult to travel such a long distance for appearing before the Sub Judge (MCOP cases), Kulithalai, Karur District, for each and every hearing.

4.The learned Counsel for the respondent is not having any serious objection for allowing this petition.

5.Considering the facts and circumstances of the case, this Court is inclined to allow this petition. Accordingly, this transfer civil miscellaneous petition is allowed with the following directions:



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(i) *The proceedings in M.C.O.P.No.618 of 2019 on the file of the Sub Judge/ Motor Accident Claims Tribunal, Kulithalai, Karur District is withdrawn and ordered to be transferred to the file of the Sub Judge, Subordinate Court, Dindigul, which is dealing with MCOP Cases.*

(ii) *The learned Sub Judge/ Motor Accident Claims Tribunal, Kulithalai, Karur District, is directed to forthwith transmit the entire case records to the Subordinate Court, Dindigul (which is dealing with MCOP Cases), who in turn, on receipt of the case, shall dispose of the same as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.*

27.07.2022

Rmk/dsk

Index : Yes / No

Internet: Yes / No



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To

- 1.The Sub Judge/ Motor Accident Claims Tribunal,
Kulithalai, Karur District.
- 2.The Sub Judge, Subordinate Court (MCOP Cases), Dindigul.



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B.PUGALENDHI, J.

Rmk/dsk

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