



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.01.2022

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P. (MD) No.589 of 2021
and
C.M.P. (MD) No.10588 of 2021

1.T.Sathiya
2.Minor Harish
3.Minor Amsa Shreya ... Petitioners/Respondents 3 to5
-vs-

1.Sathish

2.IFFCO-TOKIO General Insurance Co.Ltd.,
Through by its Divisional Manager,
Divisional Office,
243/5, Annanagar Main Road,
Surveswarar Street,
Anna nagar,
Madurai-625020 Respondents 1&2/Respondents 1&2

3.P.Meena .. Respondent No.3/Petitioner

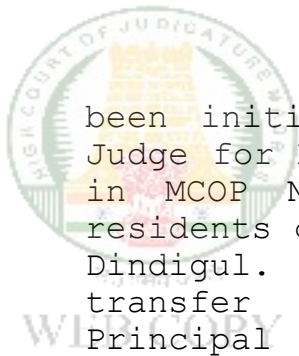
Prayer :- Petition filed under Section 24 of Code of Civil Procedure, to withdraw M.A.C.O.P.No.767 of 2019 pending on the file of the Principal District Judge and Motor Accident Claim Tribunal, Dindigul and transfer the same to be tried along with M.C.O.P.No.1375 of 2019 on the file of the Special District Judge for MCOP cases, Madurai.

For Petitioners : Mr.M.S.Senthil Kumar
For R3 : Mr.S.Thirupathy

ORDER

The above transfer civil miscellaneous petition is filed seeking to transfer the petition in MCOP No.767 of 2019 pending on the file of the Principal District Judge/Motor Accident Claim Tribunal, Dindigul, to the file of the Special District Judge for MCOP cases, Madurai to be tried along with MCOP No.1375 of 2019.

2.This petition arises out of the accident that has taken place on 17.10.2018 for which MCOP No.767 of 2019 is filed on 22.11.2019. It is seen that for the very same accident MCOP No.1375 of 2019 has



been initiated on 30.04.2019 before the learned Special District Judge for MCOP cases, Madurai. It is also seen that the petitioner in MCOP No.1375 of 2019 as well as the third respondent are residents of Nilakottai Taluk. The accident has taken place only at Dindigul. Therefore, though the relief is sought for seeking transfer of MCOP No.767 of 2019 pending on the file of the Principal District Judge, Dindigul to the file of the learned Special District Judge for MCOP cases, Madurai, taking into account the residence of the claimant as well as the place of accident, this Court transfers MCOP No.1375 of 2019 from the file of the Special District Judge of MCOP cases, Madurai, to the file of the Principal District Judge/Motor Accident Claim Tribunal, Dindigul. Since MCOP No.767 of 2019 has been filed in respect of the very same accident and as the petitioner in MCOP No.767 of 2019 is already a party to the proceedings in MCOP No.1375 of 2019, MCOP No.767 of 2019 is struck off. The learned counsel who entered appearance on behalf of the third respondent has no objection to the above.

3.Accordingly, this transfer civil miscellaneous petition is disposed of withdrawing MCOP No.1375 of 2019 pending on the file of the learned Special District Judge for MCOP cases, Madurai and transfer the same to the file of the Principal District Judge/Motor Accident Claim Tribunal, Dindigul and MCOP No.767 of 2019 pending on the file of the Principal District Judge/Motor Accident Claim Tribunal, Dindigul, is struck off. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

cp

Note:-

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

To

1.The Principal District Judge and Motor Accident Claim Tribunal,
Dindigul

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Special District Judge for MCOP cases,
Madurai.

Tr.C.M.P.(MD) No.589 of 2021

and

C.M.P.(MD) No.10588 of 2021

Dated: 07.01.2022

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