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Tr.C.M.P. No. 255 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :25.08.2023

CORAM :

**THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN**

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and

C.M.P.No.5615 of 2023

M/s Bajaj Allianz General Insurance Co., Ltd,  
Represented by its Deputy Legal Manager,  
New No.497 & 498, Old No.276 and 277,  
Isanakattima Building, 5<sup>th</sup> floor,  
Poonamallee High Road, Opp to TN Medical Council,  
Arumbakkam, Chennai 600 106

...Petitioner

.Vs.

1. S. Sundarambal W/o Sundara Vadivel

2. M. Indirani

3. Minor M.Sathya

4. Minor M. Thenmozhi

5. Srinivasan Sampath

...Respondents

**Prayer:** This Civil Revision Petition is filed under Section 24 of C.P.C to withdraw M.C.O.P.No.372 of 2017 pending on the file of The Motor Accidents Claims Tribunal at Kancheepuram, learned II-Additional District



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Judge, Kancheepuram and transfer the same to the file of The Motor Accidents Claims Tribunal at Chennai, Learned II- Judge, Court of Small Causes at Chennai, to be tried along with M.C.O.P.No.6588 of 2017 and pass orders.

For Petitioner : Mr. P. Magesh

For Respondent : Mr.C. Prabakaran

### **ORDER**

This petition is filed to withdraw M.C.O.P.No.372 of 2017 pending on the file of The Motor Accidents Claims Tribunal at Kancheepuram, learned II-Additional District Judge, Kancheepuram and transfer the same to the file of The Motor Accidents Claims Tribunal at Chennai, Learned II- Judge, Court of Small Causes at Chennai, to be tried along with M.C.O.P.No.6588 of 2017.

2. The facts of the case is that the Respondents herein have filed two separate claim petitions one petition in M.C.O.P.No.372 of 2017 on the



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file of learned II Additional Judge, Kancheepuram and another petition in M.C.O.P.No.6588 of 2017 on the file of Learned II Judge, Court of Small causes, Chennai. However, both the petitions are filed claiming compensation for the death of one Murali in an alleged Road accident which occurred on 15.04.2017 involving the vehicle of the 5<sup>th</sup> respondent. Hence, the petitioner has come forward with this petition to withdraw and transfer the M.C.O.P.No.372 of 2017 on the file of learned II Additional Judge, Kancheepuram to the the file of Learned II Judge, Court of Small Causes, Chennai in M.C.O.P.No.6588 of 2017 and hear both the matters together.

3. The learned counsel for the petitioner submitted that the above M.C.O.P. petitions have been filed for the same cause of action which involves the same question of facts and of law. Hence he prays to allow this petition.

4.In view of the above submission made by the learned counsel appearing for the petitioner this Court permits the petitioner to withdraw and transfer M.C.O.P.No.372 of 2017 on the file of learned II Additional



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Judge, Kancheepuram and transfer the same may to the file of The Motor Accidents Claims Tribunal at Chennai, Learned II- Judge, Court of Small Causes at Chennai and to be tried along with M.C.O.P.No.6588 of 2017.

5.With the above directions, this Transfer Civil Miscellaneous Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

25.08.2023

smn

Index : Yes/No

Internet: Yes/No

To.

1. The Principal District Munsif Cum Rent Court, Coimbatore



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**V.BHAVANI SUBBAROYAN,J.**  
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