



Tr.CMP No.524 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07-02-2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Tr.CMP No.524 of 2022

And

CMP No.9497 of 2022

Dhanalakshmi

.. Petitioner

vs.

1.P.Rathnam

2.P.Karpagam

3.P.Jothi

4.P.Subashree

5.Muthulakshmi @ Muthathal

6.Velmurugan

7.Arunprasadh

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8.The Manager,
United India Insurance Co. Ltd.,
Big Bazaar Street,
Dharapuram.

.. Respondents

PRAYER : This Transfer CMP is filed under Section 24 of the Civil Procedure Code, to withdraw the case in MCOP No.60 of 2021 on the file of Motor Accidents Claims Tribunal (Sub Court), Devakottai and transfer the same to try along with MCOP No.101 of 2021 on the file of the Motor Accidents Claims Tribunal, Tiruppur District having competent jurisdiction.

For Petitioner : Ms.J.T.Ajitha for
Mr.K.Govi Ganesan

For Respondents-1 to 5 : Mr.V.Bala Subramanian

For Respondents-6 to 8 : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition is filed to withdraw the case in MCOP No.60 of 2021 on the file of Motor Accidents Claims Tribunal (Sub Court), Devakottai and transfer the same to try along with MCOP No.101 of 2021 on the file of the Motor Accidents Claims



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Tribunal, Tiruppur District having competent jurisdiction.

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2. The learned counsel for the petitioner states that the petitioner is the legally wedded wife of the deceased Prabhakaran, who died in an accident on 10.03.2021. The petitioner filed MCOP No.101 of 2021 seeking compensation on the file of the Motor Accidents Claims Tribunal, Tiruppur.

3. Per contra, the first respondent also claims that she is the legally wedded wife of the deceased Prabhakaran. The respondents 2, 3 and 4 are the daughters born to the first respondent from and out of the wedlock between the first respondent and the deceased Prabhakaran. The fifth respondent-mother of the deceased Prabhakaran.

4. The learned counsel appearing on behalf of the respondents 1 to 5 raised an objection by stating that the petitioner, though claims to be the legally wedded wife of the deceased Prabhakaran, she has not even



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impleaded the mother of the deceased person, which would reveal that the petition was filed by not impleading all necessary parties.

5. That apart, the fifth respondent is an aged mother of the deceased person and MCOP No.60 of 2021 is filed before the Motor Accidents Claims Tribunal (Sub Court), Devakottai by respondents 1 to 5 and therefore, the mitigating factors are to be considered to transfer the case for conducting joint trial and the petitioner filed MCOP No.101 of 2021 without impleading the other legal heir, namely the mother of the deceased Prabhakaran. However, the respondents filed MCOP No.60 of 2021 impleading the mother of the deceased and more-so, the MCOP No.60 of 2021 is filed by the fifth legal heir of the deceased Prabhakaran and the petitioner solely filed the claim petition before the Motor Accidents Claims Tribunal at Tiruppur.

6. Considering the difficulties of the parties, it is preferable to transfer the case to Devakottai for joint trial, which would be in the interest



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of justice.

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7. In view of the facts and circumstances, MCOP No.101 of 2021 now pending on the file of the Motor Accident Claims Tribunal, Tiruppur stands transferred to Motor Accident Claims Tribunal (Sub Court), Devakottai to be tried along with MCOP No.60 of 2021.

8. Accordingly, the present Transfer Civil Miscellaneous Petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

07-02-2023

Speaking Order/Non-Speaking Order.

Neutral Citation : Yes/No.

Internet : Yes/No.

Index: Yes/No.

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S.M.SUBRAMANIAM, J.

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To

- 1.The Motor Accidents Claims Tribunal,
(Sub Court),
Devakottai.
- 2.The Motor Accidents Claims Tribunal,
Tiruppur District.



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