



Tr.CMP No.1092 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23-01-2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Tr.C.M.P.No.1092 of 2022

and

C.M.P.No.18716 of 2022

1.S.Pandi @ Kuppusamy

2.Veluthai

.. Petitioners

VS.

1.K.Velmurugan

2.Sree Harivelmurugan Enterprises,
N.47-CTB Road,
Arasaradi Post,
Madurai-625 016.

3.Bajaj Allianz General Insurance,
Raagavis Cener,
No.21 A, Nethaji Nagar,
Nanjudapuram Main Road,
Ramanathapuram Post,
Coimbatore District.

.. Respondents



Tr.CMP No.1092 of 2022

WEB COPY

PRAYER : This Transfer CMP is filed under Section 24 of the Civil Procedure Code, to withdraw and transfer the proceedings pending on the file of the III Additional District and Sessions Judge, Dharapuram in MCOPNo.324 of 2017 to the Motor Accident Claim Tribunal in Theni.

For Petitioners	: Mr.D.G.Hariprasath
For Respondent-1	: No Such Person
For Respondent-2	: No Appearance
For Respondent-3	: Mr.J.Michael Visuvasam for Mr.R.V.Sivaraj

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw and transfer the proceedings pending on the file of the III Additional District and Sessions Judge, Dharapuram in MCOP No.324 of 2017 to the Motor Accident Claim Tribunal in Theni.



Tr.CMP No.1092 of 2022

WEB COPY

2. The grievances of the petitioners are that the first petitioner is aged about 66 years and the second petitioner is aged about 63 years and both of them are now residing at Aandipatti at Rajathani Village, Aandipatti Taluk, Theni District. Since the petitioners are senior citizens and the accident also occurred in between Aandipatti and Theni Road, near Jakkampatti, the learned counsel for the petitioners made a submission that the case is to be transferred, enabling the petitioners to contest the case.

3. The learned counsel appearing on behalf of the third respondent-Insurance Company has no serious objection in transferring the case.

4. Considering the age of the petitioners and further considering the fact that the accident occurred in between Aandipatti and Theni Road, this Court is inclined to transfer the case. Thus, MCOP No.324 of 2017 pending on the file of the III Additional District and Sessions Judge,



Tr.CMP No.1092 of 2022

WEB COPY

Dharapuram stands transferred to the file of the Motor Accident Claims Tribunal at Theni forthwith. The III Additional District and Sessions Judge, Dharapuram is directed to transmit the case papers to the file of the Motor Accident Claims Tribunal at Theni, within a period of four weeks from the date of receipt of a copy of this order.

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

23-01-2023

Speaking Order/Non-Speaking Order.

Internet : Yes/No.

Index: Yes/No.

Svn



Tr.CMP No.1092 of 2022

WEB COPY

To

- 1.The III Additional District and Sessions Judge,
Dharapuram.
- 2.The Motor Accident Claims Tribunal,
Theni.



WEB COPY



Tr.CMP No.1092 of 2022

S.M.SUBRAMANIAM, J.

Svn

Tr.CMP No.1092 of 2022



WEB COPY



Tr.CMP No.1092 of 2022

23-01-2023