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Tr.C.M.P.No. 1161 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2023

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Tr.C.M.P.No. 1161 of 2023

and

C.M.P.No. 27817 of 2023

S.Vinitha

... Petitioner

Vs.

1. R.Salmankhan

2. M/s. Trans Cargo India,
Co. No. 65, 1st floor,
Sec.16A, Faridabad,
Haryana – 121 002.

3. The Manager,
M/s. New India Assurance Company
D.O. 122200, New India Centre
First Floor, 17A, Cooperage Road,
Mumbai-100 001.
Branch at 594, Obli Towers 1st Floor,
D.B.Road, R.S.Puram, Coimbatore-641 002.

4. K.Krishnasamy

... Respondents

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., praying to withdraw MCOP.No. 1130 of 2021 from the file of the



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Court of V Addl. District and Sessions Judge of Coimbatore and transfer to the Motor Accidents Claims Tribunal/Sub-Judge of Udumalpet and try along with MCOP.No. 171 of 2021.

For Petitioner : Mr.N.Thiyagarajan

ORDER

The petitioner is the wife of deceased K.Sathishkumar, who filed M.C.O.P.No. 171 of 2021 before the Sub-Court, Udumalpet. Sunsequently, her father-in-law filed a petition in M.C.O.P.No. 1130 of 2021 before the V Addl. District and Sessions Judge, Coimbatore. As she is a young widow after getting marriage of six months, her husband passed away leaving at the care of her parents. She is also impleaded as 4th respondent in a petition filed by her father-in-law. Therefore, the petitioner wife seeks transfer of the proceedings pending before the V Addl. District and Sessions Judge, Coimbatore in M.C.O.P.No.1130 of 2021 to the Motor Accident Claims Tribunal/Sub-Judge, Udumalpet and try along with M.C.O.P.No. 171 of 2021, since because she is not able to attend the court hearings by travelling from her place of residence to Coimbatore.

2. Records perused. Admittedly, the petitioner is a young widow after getting marriage of six months, her husband passed away and she is living at



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the care of parents without any source of income. The reasons assigned by the petitioner wife is justifiable one. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and the petition in M.C.O.P.No.1130 of 2021 is withdrawn from the file of the V Addl. District and Sessions Judge, Coimbatore and transferred to the file of Motor Accident Claims Tribunal/Sub-Judge, Udumalpet, to be tried along with M.C.O.P. No.171 of 2021 within a period of two weeks from the date of receipt of copy of this order. The learned Motor Accident Claims Tribunal/Sub-Judge, Udumalpet is directed to take case on file within period of one week from the date of receipt of papers and issue notice to the respondents and thereafter, proceed with the trial and to dispose the case as early as possible as per manner known to law. No costs. Consequently, connected civil miscellaneous petition is closed.

11.12.2023

Index : Yes / No
Internet : Yes / No
Speaking/Non-speaking order
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To

1. The V Addl. District and Sessions Judge, Coimbatore.
2. The Motor Accidents Claims Tribunal/Sub-Judge, Udumalpet.

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T.V.THAMILSELVI, J.

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