



Tr.C.M.P(MD)No.151 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 06.06.2023

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

Tr.C.M.P(MD)No.151 of 2023

and

C.M.P(MD)No.3381 of 2023

Sasi Kumar

...Petitioner/1st Respondent

Vs.

1.Suyambulingam

...Respondent/Petitioner

2.The United India Insurance Company Limited,
Divisional Office,
No.1, Post Office Road,
Palayamkottai,
Tirunelveli.

...Respondent/Respondent

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure, to withdraw and transfer M.C.O.P.No. 1597 of 2022 pending on the file of the Motor Accident Claims Tribunal - Special Sub Court, Tirunelveli to any of the Sub Court in Kanyakumari District.

For Petitioner : Mr.G.Cenil

For R1 : No Appearance

For R2 : Mr.J.S.Murali



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ORDER

The present transfer civil miscellaneous petition has been filed to transfer M.C.O.P.No.1597 of 2022 pending on the file of the Motor Accident Claims Tribunal - Special Sub Court, Tirunelveli to any of the Sub Court in Kanyakumari District.

2. Though the first respondent has been served and name being printed in the cause list, there is no appearance either in person or through counsel.

3. On behalf of the second respondent, the learned counsel for the second respondent is present.

4. It is noticed that the first respondent herein has filed M.C.O.P.No.1597 of 2022 before the Motor Accident Claims Tribunal - Special Sub Court, Tirunelveli to recover a sum of Rs.15,00,000/- (Rupees Fifteen Lakhs only) towards the death of his father. The petitioner herein claims to be an ex-service man drawing meagre pension and surviving on the meagre pension. It is submitted that the petitioner



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finds difficult to travel to Tirunelveli from Chithral, Kanyakumari District. Therefore, the petitioner prays for transfer of the above case.

5. The petitioner in his affidavit filed in support of the petition stated as follows:

"I submit that the alleged occurrence took place near Krishnankoil, Nagercoil. The petitioner belongs to Kirshnan koil. The witnesses any to be examined also belong to Nagercoil. I also belong to Chitharal, Kanyakumari District. It is difficult for me to go over to Tirunelveli to defend the claim petition. In the above circumstances if the claim petition is not transferred from Tirunelveli I will be put to irreparable loss and hardship."

6. Being satisfied with the reasons given in the affidavit filed in support of the petition, the present Transfer Civil Miscellaneous Petition stands allowed by transferring M.C.O.P.No.1597 of 2022 pending on the file of the Motor Accident Claims Tribunal - Special Sub Court, Tirunelveli to the file of the Sub Court, Kanyakumari. No costs. Consequently, connected miscellaneous petition is closed.

06.06.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Motor Accident Claims Tribunal -
Special Sub Court, Tirunelveli.
- 2.The Sub Court,
Kanyakumari.
- 3.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.SARAVANAN ,J.

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