



Tr.C.M.P(MD)No.365 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.02.2023**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Tr.C.M.P(MD)No.365 of 2022

and

C.M.P(MD)No.6088 of 2022

Mariyappan

... Petitioner/1st Respondent

Vs.

1.Devika

... 1st Respondent/Petitioner

2.The Manager,
HDFC ERGO General Insurance
Company Limited,
No.248b, b-1, c-1, Rekha Towers,
Kamarajar Salai Road,
Madurai District.

...2nd Respondent/ 2nd Respondent

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure, to pass an order to withdraw the case in M.C.O.P.No.135/2022 on the file of the Learned MACT/Sub Judge, Manapparai, and transfer the same to the Learned Principal District Court, Madurai.

For Petitioner : Mr.R.Shankar Ganesh



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ORDER

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The present transfer miscellaneous petition has been filed by the 1st respondent in M.C.O.P.No.135 of 2022 pending on the file of Motor Accident Claims Tribunal, Manapparai to transfer the same to the Principal District Court, Madurai.

2. According to the learned counsel appearing for the petitioner, the petitioner is arrayed as 1st respondent in M.C.O.P.No.135 of 2022 as the owner of the vehicle, which is involved in the accident. A perusal of motor claims original petition indicates that the petitioner in motor claims original petition is residing at Thanakkankulam and the accident has also taken place at Thanakkankulam, which is located in Madurai District. However, for the reasons best known, the said application has been filed before Motor Accident Claims Tribunal, Manapparai. According to the learned counsel appearing for the petitioner, without any jurisdiction, the motor claims original petition has been filed before Motor Accident Claims Tribunal, Manapparai.

3. Though the 1st respondent/claimant has been served, there is no appearance either in person or through counsel.



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4. I have carefully considered the submission made on the side of the petitioner.

5. A perusal of the motor claims original petition clearly indicates that the accident has taken place at Thanakkankulam and the claimant is also residing at Thanakkankulam. Therefore, the filing of M.C.O.P.No. 135 of 2022 at Manapparai is clearly without jurisdiction.

6. In view of the above said facts, M.C.O.P.No.135 of 2022 pending on the file of Motor Accident Claims Tribunal, Manapparai is withdrawn and transferred to Motor Accident Claims Tribunal (Sub Court), Madurai.

7. With the above said observations, this Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

14.02.2023

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

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To

- 1.The Motor Accident Claims Tribunal/
Sub Judge,
Manapparai.
- 2.The Motor Accident Claims Tribunal
(Sub Court),
Madurai.
- 3.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR ,J.

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Order made in
Tr.C.M.P(MD)No.365 of 2022

14.02.2023