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Tr.C.M.P.No.271 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Tr.C.M.P.No.271 of 2024 and
C.M.P.No.5611 of 2024

P.Murugesan

... Petitioner

Vs.

1.V.Selvam

2.National Insurance Company Limited,
Rep. by its Divisional Manager,
Near Vellore City Municipal Corporation,
Vellore. (Policy No.50130431206360002147).

3.P.Saravanan

... Respondents

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, to withdraw the MCOP No.38/2022 pending on the file of the Chief Judicial Magistrate, Vellore and transfer the same to the Special District Judge, Dharmapuri.

For Petitioner : Mr.D.Ramesh Kumar

For Respondents : No Appearance



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ORDER

This Transfer Civil Miscellaneous Petition has been filed to withdraw M.C.O.P.No.38 of 2022 pending on the file of the Chief Judicial Magistrate, Vellore and transfer the same to the file of the Special District Court, Dharmapuri.

2.Despite service of notice and named printed in the cause list, no representation for the respondents either in person or by their respective counsel.

3.The learned counsel for the petitioner submitted that after the accident, the petitioner is in the support of his father-in-law staying with him in Dharmapuri district and he is taking continuous treatment at Ganga Hospital, Coimbatore. The petitioner met with an accident on 01.08.2021 at 19.30 hours at Karimangalam to Morapur Road at Periyamottupatti near Tamil Nadu Dhaba, Dharmapuri District. Due to which, he sustained grievous injuries, immobilized and got admitted in Ganga Hospital at



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Coimbatore on 02.08.2021 and took treatment as inpatient till 18.08.2021.

Again admitted in the hospital and took treatment from 13.10.2021 to 23.10.2021 and again he took treatment from 13.11.2021 and got discharged on 21.11.2021. To make a claim, the petitioner filed M.C.O.P.No.38 of 2022 before the Motor Accident Claim Tribunal/Chief Judicial Magistrate, Vellore in the year 2022 wherein pleading completed and now the case is posted for trial. The petitioner's parents are aged suffering with serious health ailments and they are unable to take care of the petitioner. The petitioner and his father-in-law are now shifted to Dharmapuri district and residing at No.4/134A, Subramanisiva Street, Periampatti, Karimangalam Taluk, Dharmapuri district. The petitioner is continuing treatment at Ganga Hospital, Coimbatore with support of his father-in-law. From Dharmapuri, he has to go hospital at Coimbatore. Now the petitioner is taken care by his father-in-law. In view of the same, he sought transfer of M.C.O.P.No.38 of 2022 to the file of the Special District Court, Dharmapuri.

4.In support of his submissions, the learned counsel for the petitioner produced medical certificates as well as rental agreement copy.



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5.Considering the submissions and on perusal of the materials, it is seen that due to the accident, the petitioner sustained grievous injuries and immobilized. Added to it, it will be difficult for the petitioner to travel Vellore to attend the Court.

6.In view of the above, this Court withdraws M.C.O.P.No.38 of 2022 pending on the file of the Motor Accident Claim Tribunal/Chief Judicial Magistrate, Vellore and transfers the same to the file of the Special District Court at Dharmapuri.

7.In the result, this transfer civil miscellaneous petition is allowed. Consequently, connected civil miscellaneous petition is closed. No costs.

25.06.2024

Speaking Order/Non Speaking Order

Index : Yes/No

Internet : Yes

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To

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- 1.The Motor Accident Claim Tribunal/Chief Judicial Magistrate,
Vellore.
- 2.The Special District Court,
Dharmapuri.



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M.NIRMAL KUMAR, J.

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