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Tr.C.M.P.No.875 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2024

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P.No.875 of 2024
and C.M.P.No.19308 of 2024

Pachaiyappan (died)

1. Sangeevi
2. Arumugam

.. Petitioners

Versus

1. Sumathi Sainathan
2. The New India Assurance Company Limited,
3rd Party Cell, No.67/68, Sheikpet,
Nadu Street, Kancheepuram.

.. Respondents

Cause title accepted vide Court order, dated 13.08.2024
made in C.M.P.No.14808 of 2024 in Tr.C.M.P.SR.No.43928 of 2024

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw and transfer M.C.O.P.No.62 of 2018 pending on the file of the Motor Accident Claims Tribunal, Maduranthagam, to the file of the Motor Accident Claims Tribunal, Small Causes Court, Chennai.

For Petitioners : Mr.F.Terry Chella Raja

For Respondents : Mr.R.Nithish Kumar, for R2



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ORDER

This Transfer Civil Miscellaneous Petition is at the instance of the claimants.

2. They presented M.C.O.P.No.62 of 2018 before the Motor Accident Claims Tribunal at Maduranthagam. Pleading that the deceased petitioner, Pachaiyappan, who was the resident of Seethapuram village in Maduranthagam taluk is no more and as the second petitioner has fallen sick, the claimants would plead that the other claimants shifted their residence to Chennai. Finding that the distance between Chennai and Maduranthagam is nearly 100 kms and that they are not in a position to travel the said distance, they moved this Transfer Civil Miscellaneous Petition.

3. The first respondent is the owner of the vehicle. The learned Counsel for the petitioners represents that she remained *ex parte* in the proceedings. The second respondent is the Insurance Company.



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4. I requested the learned Counsel for the petitioners to serve the entire set of papers on Mrs.Srividhya, the learned Standing Counsel for the New India Insurance Company. Mr.R.Nithish Kumar, learned Counsel represents Mrs.Srividhya.

5. Heard the learned Counsel on either side.

6. The learned Counsel for the petitioners would plead that of the four petitioners, two petitioners are no more and the other petitioners are residing in Chennai. They plead that it is difficult to travel to Maduranthagam to prosecute the petition initiated by them. He asserts that M.C.O.P.No.62 of 2018 is not in the list and is yet to see the light of trial.

7. The learned Counsel representing for Mrs.Srividhya would state that the Insurance Company has no objection for the proceedings being withdrawn from Maduranthagam and to be heard by the Courts at Chennai.

8. Taking into consideration the convenience of the claimants, who are said to be residing in Chennai and in the light of the no objection given



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by the learned Counsel for the Insurance Company, M.C.O.P.No.62 of 2018 is withdrawn from the file of the Motor Accidents Claim Tribunal, Maduranthagam and transferred to the Motor Accidents Claim Tribunal-cum-Small Causes Court, Chennai. The learned Judge, in charge of the Motor Accidents Claim Tribunal, Maduranthagam shall forthwith transfer the papers to the Motor Accidents Claim Tribunal-Small Causes Court, Chennai. The accident took place in the year 2012 and the claimants are still before the Court seeking for compensation. Therefore, on receipt of the papers and records before the Small Causes Court, Chennai, the learned Judge shall ensure that the Original Petition is re-numbered and taken up for trial at the earliest subject to the exigencies of his diary and dispose of the same within a period of five months from the date of receipt of the records before the Small Causes Court, Chennai.

9. With the above directions, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

27.09.2024



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Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs



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To
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1. The Motor Accident Claims Tribunal,
Maduranthagam.
2. The Motor Accident Claims Tribunal,
Small Causes Court, Chennai.



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V.LAKSHMINARAYANAN, J.

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