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TR.CMP.No.768 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2024

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

TR.CMP.No.768 of 2023
and CMP.No.18625 of 2023

The National Insurance Company Limited,
Motor Third Party Claims (HUB),
No.66, Greams Road,
Murugesanaicker Complex,
Chennai-600 006.

... Petitioner

Vs.

1.Vanaja
2.Selvaraj
3.Thilagam
4.S.Mayilsamy
5.Nirosha

... Respondents

PRAYER: Civil Revision Petition filed under Section 24 of the Civil Procedure Code, praying to withdraw MCOP.No.96 of 2022 from the file of the Additional District Court (Fast Track Court), Arani, Tiruvannamalai District and transfer the same to the file of V Judge, Small Causes Court, Chennai to be tried along with MCOP.No.2152 of 2022.

For Petitioner	: M/s.R.Rathna Thara
For Respondents	: Mr.P.Dinesh Kumar for R1 to R3 Mr.B.Jawahar for R5



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ORDER

This Civil Revision Petition has been filed to withdraw MCOP.No.96 of 2022 on the file of the Additional District Court (Fast Track Court), Arani, Tiruvannamalai District and transfer the same to the file of V Judge, Small Causes Court, Chennai to be tried along with MCOP.No.2152 of 2022.

2. The learned counsel for the petitioner submitted that the fifth respondent / wife of the deceased, namely Janakiraman has filed MCOP.No.96 of 2022 on the file of the Additional District Judge, (Fast Track Court), Arni, Tiruvannamalai District making claim for the death of her husband and the respondents 1 and 2, who are the parents of the deceased, have also filed claim petition in MCOP.No.2152 of 2022 on the file of the V Judge, Small Causes Court, Chennai and for convenience, the petitioner / Insurance Company seeks to transfer the MCOP.No.96 of 2022 on the file of Additional District Judge, (Fast Track Court), Arni,



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Tiruvannamalai District to the file of the V Judge, Small Causes Court, Chennai, to be tried along with MCOP.No.2152 of 2022, which was filed by the parents of the deceased.

3. When the matter is taken up today, the learned counsel for the fifth respondent /wife of the deceased submitted that the fifth respondent filed the claim petition in MCOP.No.96 of 2022, before the Additional District Judge, (Fast Track Court), Arni, Tiruvannamalai District, in which the parents of the deceased were also arrayed as respondents and the said case was posted on 11.01.2024 for recording evidence and in these circumstances, prayed that MCOP.No.2152 of 2022 filed by the parents, pending on the file of the V Judge, Small Causes Court, Chennai may be transferred to the file of the Additional District Judge (Fast Track Court), Arni, Tiruvannamalai District to be tried along with MCOP.No.96 of 2022.

4. The learned counsel for the respondents 1 and 2/parents of the deceased has no objection for the same.



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5. This Court has considered the submissions made and also perused the materials on record.

6. It is not disputed that in the accident that took place on 01.04.2022 near Arakonam to Kancheepuram Road, Thiru.Janakiraman died, for which his wife / fifth respondent herein, namely Nirosha filed the claim petition and it is pending in MCOP.No.96 of 2022 on the file of the Additional District Court, (Fast Track Court), Arani, Tiruvannamalai District. The parents of the deceased / respondents 1 and 2 are residing at Kancheepuram and they filed the claim petition for the very same accident before the V Judge, Small Causes Court, Chennai in MCOP.No.2152 of 2022. The Insurance Company is the same in both the cases and further, the parents of the deceased are also parties in the claim petition filed by the wife.

7. In these circumstances, instead of withdrawing and transferring MCOP.No.96 of 2022, pending on the file of the Additional District Judge,



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(Fast Track Court), Arni, the case in MCOP.No.2152 of 2022, on the file of the V Judge, Small Causes Court, Chennai be withdrawn and transferred to the file of the Additional District Judge (Fast Track Court), Arni to be tried along with MCOP.No.96 of 2022. Therefore, the learned V Judge, Small Causes Court, Chennai is directed to transfer the entire case file in MCOP.No.2152 of 2022 to the Additional District Judge (Fast Track Court), Arni, Tiruvannamalai District and on receiving the same, the Additional District Judge (Fast Track Court), Arni, Tiruvannamalai District is directed to enquire MCOP.No.96 of 2022 along with MCOP.No.2152 of 2022, which is filed by the parents of the deceased.

8. With the above directions, this Transfer Civil Miscellaneous Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

09.01.2024

Index: Yes/No
Internet: Yes/No
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V.SIVAGNANAM, J.,

Jvm

To

1.The Court of V Judge,
Small Causes Court,
Chennai.

2.Additional District Judge (Fast Track Court),
Arni, Tiruvannamalai District.

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09.01.2024