



Tr.C.M.P.(MD).No.28 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Tr.C.M.P.(MD).No.28 of 2024
and C.M.P.(MD).No.355 of 2024

1.M.Premalatha
2.R.Naresh
3.R.Jaishree ... Petitioners/Respondents 2 to 4

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation,
Karaikudi (Kumbakonam Division), ... 1st Respondent/1st Respondent
2.B.Mariammal ... 2nd Respondent/Petitioner
3.M.Baluchamy ... 3rd Respondent/Petitioner

PRAYER : Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to withdraw the Motor Claim Original Petition in M.C.O.P.No.54 of 2022 pending on the file of the Principal District (Mahila Court), Sivagangai and transfer the same to Special District Judge for MCOP Cases, Madurai.

For Petitioners : Mr.E.Somasundaram
For Respondents : Mr.B.Santhanam Rajesh Kumar
for R2 & R3



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ORDER

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This petition has been filed seeking transfer of M.C.O.P.No.54 of 2022 pending from the file of the Principal District Judge (Mahila Court), Sivagangai to the file of the learned Special District Judge, Special Court for MCOP Cases, Madurai.

2.The facts in brief:

On 16.02.2022 at about 20.30 p.m. while Mr.B.Ravindran, riding his two wheeler in Madurai – Rameshwaram National Highway Road near Silaiman Junction, the first respondent's driver hit him and Mr.B.Ravindran sustained injuries and died on the spot itself. On that basis a case was also registered in Crime No.62 of 2022 on the file of Silaman Police Station. Thereafter, claiming compensation, the deceased's wife and children, who are the petitioners herein, filed M.C.O.P.No.932 of 2022, before the Special District Judge, Special Court for MCOP Cases, Madurai. While being so, the parents of the deceased, who are the respondents 2 and 3 herein filed M.C.O.P.No.54 of 2022 before the Principal District Judge, Sivagangai. Since the issues are one and the same and the occurrence took place within the



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jurisdiction of the Special Court, seeking transfer of the above said MCOP from the file of the Principal District Judge, Sivagangai to conduct joint trial, this petition has been filed by the petitioners.

3.Heard the learned counsel on either side.

4.The learned counsel on either side would submit that the matter has been resolved between the petitioners and the respondents 2 and 3. Therefore, the respondents 2 and 3 have no objection to transfer the M.C.O.P.No.54 of 2022 filed by them before the Principal District Judge, Sivagangai and to try the same along with M.C.O.P.No.932 of 2022.

4.Considering the facts and circumstances of the case and considering the submissions made on either side, the M.C.O.P.No.54 of 2022 filed by the respondents 2 and 3 on the file of the Principal District Judge, Sivagangai, is ordered to be withdrawn and transferred to the Special District Judge, Special Court for MCOP Cases, Madurai to try along with M.C.O.P.No.932 of 2022 filed by the petitioners.



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5. Accordingly, this transfer civil miscellaneous petition is allowed.

No costs. Consequently, connected miscellaneous petition is closed.

13.02.2024

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

To

1. The Principal District Judge (Mahila Court), Sivagangai.
2. The Special District Judge, Special Court for MCOP Cases, Madurai.
3. The Section Officer,
E.R. Section/V.R. Section,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGO VAN,J.

TM

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