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Tr.C.M.P(MD)No.119 of 2



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 01.07.2024

CORAM

**THE HONOURABLE MR JUSTICE D.BHARATHA
CHAKRAVARTHY**

**Tr.C.M.P(MD)No.119 of 2024
and
C.M.P(MD)No.2311 of 2024**

G.Rajasekar

... Petitioner/1st Respondent

Vs.

1.N.Ramasubbhu

...1st Respondents/Petitioner

2.M/s.Reliance General Insurance Company Limited,
Sri Meenaktchi Plaza,
1st Floor, Plot No.HIG 55,
80 Feet Road, Anna Nagar,
Madurai-625 020

... 2nd Respondent/
2nd Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case in I.A.No.156 of 2023 in unnumbered E.C.No.... of 2023 on the file of the learned Deputy Commissioner of Labour, Erode Camp at Namakkal and transfer the same to the learned Deputy Commissioner of Labour, Madurai.

For Petitioner
For R1
For R2

:Mr.R.Jenifer Bibin
:Mr.A.V.Rajasekaran
:Mr.J.S.Murali



ORDER

The Transfer Civil Miscellaneous Petition is filed by the petitioner/employer.

2.The prayer made in the petition is to withdraw the case in I.A.No. 151 of 2023 in unnumbered EC.No.... of 2023 on the file of the learned Deputy Commissioner of Labour, Erode Camp at Namakkal and transfer the same to the file of the Deputy Commissioner of Labour, Madurai.

3.Ms.R.Jenifar Bibin, learned counsel appearing on behalf of the petitioner would submit that firstly, in this case, the accident happened only in Madurai. The petitioner is also residing with his family in Madurai. Even the address of the first respondent in the First Information Report was shown only as Madurai and therefore, it would be convenient to both sides if the case is transferred to Madurai. She would further submit that only to harass the employer, the case is filed at Namakkal.

4.The prayer is opposed by the learned counsel appearing on behalf of the first respondent, who is the petitioner before the Deputy Commissioner of Labour. He would submit that the first respondent is residing only in Namakkal. Now, he has also suffered an injury and he is unable to pursue



his avocation of driver and is in care of his relative at Namakkal. He has also produced Aadhar Card in support of his claim.

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5.In reply thereof, the learned counsel for the petitioner would submit that it is an incorrect statement made before this Court and even the first respondent's children are studying in Madurai. The learned counsel would further submit that even as per the content of the FIR, which is filed in the year 2021, it would be clear that the first respondent is very much in Madurai.

6.I have considered the rival submissions made on either side and perused the materials available on record of the case.

7.In the Transfer Civil Miscellaneous Petition, the parties cannot be put to trial to find out whether the first respondent is residing in Madurai or in Namakkal. Considering the nature of the case that it is only workman compensation claim and also considering the facts that the alleged workman has suffered an injury and the employer as well as the Insurance Company can very well appear through their counsel before the Deputy Commissioner of Namakkal, I am not inclined to accede the prayer made by the learned counsel for the petitioner. Accordingly, finding no merits, the Tr.C.M.P



Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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NCC:Yes/No

Index:Yes/No

Internet:Yes/No

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To

- 1.The Deputy Commissioner of Labour,
Erode Camp at Namakkal
- 2.The Deputy Commissioner of Labour,
Madurai.
- 3.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



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D.BHARATHA CHAKRAVARTHY, J.

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