



Tr.C.M.P(MD).No.153 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.11.2024

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P (MD).No.153 of 2024

1.Bhavani

2.Minor Ragul Karthick @ S.Raghav Karthick

: Petitioners/
Respondents 4 & 5

Vs.

1.C.Rajamani

2.R.Subbulakshmi

3.Deepakraj

4.Ramkumar

5.The Universal Sampo General Insurance Company Limited,
Policy No.231165728639000,
1st Floor No.10/20, Bye Pass Road,
Madurai – 625 010.

:Petitioners/Respondents 1 to 3

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 r/w 151 of Civil Procedure Code, to withdraw the case bearing in M.A.C.O.P. No.29 of 2023 pending on the file of the Motor Accident Claims Tribunal and Additional Principal District Court, Periyakulam, Theni District and subsequently, transfer the same to the Communal Clash Court, Madurai, Madurai District forthwith.



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For Petitioners : Mr.J.Sankara Pandian

For Respondents : Mr.D.Raja Boopathy, for R3 & R4,
: No Appearance, for R2 and R5.

ORDER

The Transfer Civil Miscellaneous Petition has been filed seeking orders to withdraw the case in M.A.C.O.P. No.29 of 2023 on the file of the Motor Accident Claims Tribunal/Additional Principal District Court, Periyakulam, Theni District to the Communal Clash Court, Madurai, Madurai District.

2. It is seen from the records that the petitioners have filed a petition in M.C.O.P.No.431 of 2023, claiming compensation for the death of the first petitioner's husband and the same is pending on the file of the Communal Clash Court, Madurai, Madurai District and that the respondents 1 and 2 parents of the deceased have filed another claim petition in M.A.C.O.P.No.29 of 2023 and the same is pending on the file of the Additional Principal District Court, Periyakulam, Theni District.

3. Despite receipt of notice, the respondents 2 and 5 have not turned up.



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4. The learned counsel for the petitioners would submit that it is very difficult to travel from Madurai to Theni to attend the Court as she is taking care of her two years old son.

5. The learned counsel for the respondents 3 and 4 would submit that they are not having any objections to transfer the case as sought for by the petitioners.

6. Considering the facts and circumstances of the case and also taking note of the submissions made by the learned counsel on either side, this Court is inclined to allow the petition.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. The case in M.A.C.O.P.No.29 of 2023 on the file of the Additional Principal District Court, Periyakulam, Theni District, is hereby withdrawn and transferred to the file of the Communal Clash Court, Madurai. The learned Additional Principal District Judge, Periyakulam, Theni District, is directed to send the records relating the case in M.A.C.O.P.No.29 of 2023 to the Communal Clash Court, Madurai, within a period of 15 days from the date of



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receipt of copy of this order and on receipt of the same, the learned Judge, Communal Clash Court, Madurai, is directed to take the same on file and proceed in accordance with law. No costs.

08.11.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
das

To

- 1.Motor Accident Claims Tribunal/
Additional Principal District Judge,
Periyakulam, Theni District
- 2.The Judge, Communal Clash Court,
Madurai, Madurai District.
- 3.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

DAS

Order made in
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