



Tr.C.M.P(MD).No.578 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.12.2024

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P (MD).No.578 of 2024
and
C.M.P(MD)No.13546 of 2024

1.Prema

2.Minor Sasi Sri

3.Minor Srira

: Petitioners

Vs.

1.Maheswaran

2.Shanmugam

3.The Manager,
United India Insurance Company Ltd.,
No.48, Chander Plaza, Arcot Road,
Saligramam, Chennai 600 093.

4.A.Subbaian

5.Premavathi

: Respondents

(All the petitioners are represented through
their Guardian Gopal)

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code, to withdraw the petition in M.C.O.P.No.256 of 2015 on the file of the III Additional District and Sessions Court, Dharapuram



Tr.C.M.P(MD).No.578 of 2024

and to transfer the same to the file of the Sub Court, Devakottai for trial along with M.C.O.P.No.61 of 2015 on the file of the Sub Court, Devakottai.

For Petitioners : Mr.N.Adithya Vijayalayan
For Respondents : Mr.V.J.Kumaravel, for R3,
: Mr.M.Ramu, for R4 & R5.
: No Appearance, for R1 and R2.

ORDER

The Transfer Civil Miscellaneous Petition has been filed seeking orders to withdraw the petition in M.C.O.P.No.256 of 2015 on the file of the III Additional District and Sessions Court, Dharapuram and to transfer the same to the file of the Sub Court, Devakottai for trial along with M.C.O.P.No.61 of 2015 on the file of the Sub Court, Devakottai.

2. It is not in dispute that the petitioners herein have filed a claim petition in M.C.O.P.No.61 of 2015 claiming compensation for the death of the husband of the first petitioner and father of the petitioners 2 and 3 and the same is pending on the file of the Sub Court, Devakottai and that subsequently, the parents of the deceased have filed a claim petition in M.C.O.P.No.256 of 2015 and the same is pending on the file of the III Additional District and Sessions Judge, Dharapuram.



Tr.C.M.P(MD).No.578 of 2024

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioners has filed a memo stating that the respondents 1 and 2 had remained ex-parte before the trial Court and hence, notice to them may be dispensed with.

4. The said memo is recorded. The learned counsel appearing for the third respondent/Insurance Company and the learned counsel appearing for the respondents 4 and 5/parents of the deceased would submit that they are not having any objection to transfer the case.

5. 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 transfer the case in M.C.O.P.No.256 of 2015 from the file of the III Additional District and Sessions Court, Dharapuram to the Sub Court, Devakottai. Accordingly, the learned III Additional District and Sessions Judge, Dharapuram, is hereby directed to transmit the entire records in M.C.O.P.No.256 of 2015 to the Sub Court, Devakottai, within a period of 10 days from the date of receipt of a copy of this order and on receiving the case bundle, the learned Subordinate Judge, Devakottai, is directed to take up the petition on file and proceed with the trial simultaneously.



Tr.C.M.P(MD).No.578 of 2024

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6. With the above direction, the Transfer Civil Miscellaneous Petition stands allowed. Consequently, connected Miscellaneous Petition is closed. No costs.

19.12.2024

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

To

- 1.The III Additional District and Sessions Judge,
Dharapuram.
- 2.The Subordinate Judge, Devakottai.
- 3.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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Tr.C.M.P(MD).No.578 of 2024

K.MURALI SHANKAR, J.

DAS

Order made in
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19.12.2024