



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

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 18.11.2024

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

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

1.Muthu

2.Mariammal

: Petitioners

Vs.

1.Shenbagarajan

2.Future General India Insurance Company Limited,
through its Branch Manager,
5th Floor, The Oval Tower,
10/12, Venkatanarayana Road,
Parthasarathipuram, T.Nagar,
Chennai – 600 017.

3.Future General India Insurance Company Limited,
through its Branch Manager,
Thiripura Areade,
Trivandrum Road, Palayamkottai,
Tirunelveli.

4.Selvam

5.HDFC ERFO General Insurance Company Limited,
through its Branch Manager,
Leela Business Park,
5th Floor, Andheri – Kurla Road,
Mumbai.



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

WEB COPY

6.Krishnaveni

7.Minor. Sidharth

8.Minor.Dhuruvan

: Respondents

(7th and 8th respondents are rep.

By their mother and natural guardian

6th respondent)

Prayer : This Transfer Civil Miscellaneous Petition filed under Section 24 r/w 151 of C.P.C., to withdraw the case in M.C.O.P.No.242 of 2023 on the file of the Motor Accidents Claim Tribunal (District Judge) Tirunelveli and transfer the same to the Motor Accidents Claim Tribunal (Additional District Judge, Fast Track Court, Theni and contest along with the case in M.C.O.P.No.47 of 2023.

For Petitioners : Mr.M.Jothiramalingam

For Respondents : Mr.K.R.Shivashankari, for R2.

: Mr.N.Shylappa Kalyan, for R5.

: Mr.A.Sheik Abdullah,
for M/s.Ajmal Associates, for R6 to R8.

: No Appearance, for R1, R3 and R4.

ORDER

The Transfer Civil Miscellaneous Petition is filed seeking orders to withdraw the case in M.C.O.P.No.242 of 2023 from the file of the Motor Accidents Claim Tribunal (District Judge) Tirunelveli and transfer the



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

same to the Motor Accidents Claim Tribunal/Additional District Judge, Fast Track Court, Theni and contest along with the case in M.C.O.P.No.47 of 2023.

2.It is evident from the records that the petitioners, who are the parents of the deceased have filed a petition in M.C.O.P.No.47 of 2023 and the same is pending on the file of the Additional District Court (Fast Tract Court) Theni and that the respondents 6 to 7 wife and the children of the deceased have filed another petition in M.C.O.P.No.242 of 2023 and the same is pending on the file of the Motor Accidents Claim Tribunal (District Judge) Tirunelveli.

3.The learned counsel appearing for the respondents 6 to 8 would submit that they are not having any objections to allow this petition.

4. The learned counsel appearing for the respondents 2 and 5 would submit that they are leaving it to the discretion of the Court.

5.Considering the above and taking note of the submissions made on either side, the petition in M.C.O.P.No.242 of 2023 is ordered to be



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

withdrawn from the file of the Motor Accidents Claim Tribunal (District Judge) Tirunelveli and transfer the same to the Motor Accidents Claim Tribunal/Additional District Judge, Fast Track Court, Theni. Accordingly, the learned Motor Accidents Claim Tribunal (District Judge) Tirunelveli, is hereby directed to transmit the entire records in M.C.O.P.No.242 of 2023 to the file of the Motor Accidents Claim Tribunal/Additional District Judge, Fast Track Court, Theni, 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 Motor Accidents Claim Tribunal/Additional District Judge, Fast Track Court, Theni, is directed to take up the petition on file and proceed in accordance with law.

6.With the above direction, the Transfer Civil Miscellaneous Petition stands allowed. The parties are at liberty to file counter statements if not filed earlier. No costs.

18.11.2024

NCC :yes/No
Index :yes/No
Internet :yes/No
das



WEB COPY



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

K.MURALI SHANKAR,J.

das

To

- 1.The Motor Accidents Claim Tribunal/District Judge,
Tirunelveli.
- 2.The Motor Accidents Claim Tribunal/Additional District Judge,
Fast Track Court, Theni.
- 3.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Tr.C.M.P.(MD)No.355 of 2024

Dated : 18.11.2024