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Tr.C.M.P(MD)No.342 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 15.10.2024

Pronounced on : 27.11.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VADAMALAI

Tr.C.M.P(MD)No.342 of 2024

and

C.M.P(MD)No.7593 of 2024

1.N.Ponnusamy
2.P.Ramalakshmi

... Petitioners

Vs.

1.R.Vaideeshwari
2.Minor P.Kavyalakshmi
3.Minor P.Theekshna
4.R.Bethusamy

... Respondents

(Respondents 2 & 3 are minors rep. by her guardian mother Vaitheeshwari/1st respondent)

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 r/w 151 of the Code of Civil Procedure, to withdraw the petition in M.C.O.P.No.56 of 2024 on the file of the Subordinate Court, Pollachi and transfer the same to the District Special Court for M.C.O.P.Cases, Madurai.

For Petitioners : Mr.Chamundi Bose
For Respondents : No Appearance



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ORDER

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This Transfer Civil Miscellaneous Petition is filed seeking for an order to withdraw M.C.O.P.No.56 of 2024 from the file of the Sub Court, Pollachi and transfer the same to the Special District Court for MCOP Cases, Madurai.

2. The facts in brief:

The petitioners are the parents of the deceased Pandiyarajan, who died in an accident that took place on 22.07.2023 at Aruldasspuram, Madurai. The deceased was the only son of the petitioners. Their son Pandiarajan got married with the first respondent and out of wedlock, respondents 2 and 3 were born to them. Since the first respondent has not come forward to file the claim petition, the petitioners have filed the claim petition in M.C.O.P.No.1923 of 2023 before the Special District Court for MCOP Cases, Madurai, impleading the respondents 1 to 3 are also the parties. The respondents 1 to 3 also appeared in that petition on 16.04.2024. Thereafter, the respondents 1 to 3 have filed the separate claim petition in M.C.O.P.No.56 of 2024 before the Subordinate Court, Pollachi. The petitioners are aged 70 years and 65 years respectively and



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their claim petition is the earlier petition. Now the petitioners have filed this Transfer Civil Miscellaneous Petition.

3. After service of notice, the names of the respondents have been printed in the cause list and there has been no representation on the side of respondents.

4. Heard the learned counsel for the petitioners.

5. The petitioners have filed the claim petition in M.C.O.P.No. 1923 of 2023 before the Special District Court for MCOP Cases, Madurai, which is the first petition. Later, the respondents 1 to 3 have filed a separate claim petition in M.C.O.P.No.56 of 2024 before the Sub Court, Pollachi. It is settled proposition of law if two claim petitions are filed seeking compensation in the Motor Accident Claims Tribunal, the first claim petition shall be maintained by the Claims Tribunal and subsequent petition has to be merged with the earlier petition. As there is no representation for the respondents and the petitioners are aged, who have lost their only son in the accident and also considering the above settled position of law, this Court is inclined to allow this petition.



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6. In the result, this Transfer Civil Miscellaneous Petition is allowed. The case in M.C.O.P.No.56 of 2024 from the file of the Motor Accident Claims Tribunal/Sub Court, Pollachi is withdrawn and the same is transferred to the Motor Accident Claims Tribunal/Special District Court for MCOP Cases, Madurai to be tried along with M.C.O.P.No. 1923 of 2023. The learned Motor Accident Claims Tribunal/Sub Judge, Pollachi, is directed to transmit the entire records pertaining to the case in M.C.O.P.No.56 of 2024 to the transferee Court, within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petition is closed.

27.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
VSD

To

- 1.The Motor Accident Claims Tribunal/Sub Court,
Pollachi.
- 2.The Motor Accident Claims Tribunal/
Special District Court for MCOP Cases,
Madurai.
- 3.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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P.VADAMALAI, J.

VSD

Pre - Delivery Order made in
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and
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