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Tr.C.M.P(MD)No.440 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 24.09.2024

Pronounced on : 19.11.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VADAMALAI

Tr.C.M.P(MD)No.440 of 2024

1.P.Muthu Petchi

2.Minor Srishakthi Vaishnavi

3.Minor P.Shambhavi

... Petitioners

(Minor petitioners 2 and 3 represented through their mother and guardian Muthupetchi/1st petitioner herein)

Vs.

1.P.Palanisamy

2.The Branch Manager,
Cholamandalam MS General
Insurance Company Ltd.,
New Millenium Complex, No.3 & 4, 1st Floor,
Dindigul High Road, Kalavasal,
Madurai, Tamilnadu.

3.M.Amudha

4.The Branch Manager,
ICICI General Insurance,
1st Floor, Thiripura Arcase, 75-A,
Trivandrum High Road, Palayamkottai,
Tirunelveli – 627 002, Tamilnadu.

5.Panditchi

6.Sankarapandiyam

... Respondents



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PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw M.A.C.O.P.No.19 of 2024 on the file of the Motor Accident Claims Tribunal (Sub Judge), Ambasamudram and transfer the same to the Motor Accident Claims Tribunal (3rd Additional District Judge), Tirunelveli and try along with M.C.O.P.No.705 of 2024.

For Petitioner : Mr.T.Selvakumaran
For R2 : Mrs.K.R.Shivasankari
For R5 & R6 : Mr.C.Saravanakumar
For R1, R3 & R4 : No Appearance

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking for an order to withdraw the M.A.C.O.P.No.19 of 2024 on the file of the Motor Accident Claims Tribunal (Sub Judge), Ambasamudram and transfer the same to the Motor Accident Claims Tribunal/3rd Additional District Judge, Tirunelveli to be tried along with M.C.O.P.No.705 of 2024.

2. The learned counsel for the petitioners would submit that the first petitioner's husband Petchimuthu died in a road traffic accident on 18.10.2023 near Arch at Therapadi Pirivu, Aravakuruchi. The petitioners have filed M.C.O.P.No.705 of 2024 before the Motor Accident Claims Tribunal/3rd Additional District Judge, Tirunelveli, seeking



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compensation. Though the first petitioner requested her father-in-law and mother-in-law to join along with her, they filed separate claim petition in M.C.O.P.No.19 of 2024 before the Motor Accident Claims Tribunal (Sub Judge), Ambasamudram. The parties and the evidence to be let in both petitions are one and the same. Hence, the petitioners have filed this Transfer Civil Miscellaneous Petition seeking transfer.

3. The learned counsel for the respondents 2, 5 and 6 have not raised any serious objections in allowing this petition. The 4th respondent/Insurance Company is only a formal party. The names of the respondents 1 and 3 have been printed in the cause list.

4. Heard both sides and perused the material in this petition. Two separate claim petitions were filed by the wife and children and by the parents of the deceased, who died in a road traffic accident. Both petitions are pending different Tribunals. Since the Tribunal, trying to claim petitions, is not a Court under Section 110 of the Motor Vehicles Act and hence, the High Court alone can transfer the MCOP cases pending from one Tribunal to another Tribunal. It has already been settled in various High Courts and Supreme Courts. Considering the



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submissions of the petitioners' side and also no serious objections on the respondents' side, this Court is inclined to allow this petition.

5. In the result, this Transfer Civil Miscellaneous Petition is allowed. The petition in M.C.O.P.No.19 of 2024 on the file of the Motor Accident Claims Tribunal (Sub Judge), Ambasamudram, is withdrawn and the same is transferred to the Motor Accident Claims Tribunal/3rd Additional District Judge, Tirunelveli to be tried along with M.C.O.P. No.705 of 2024 for disposal according to law. The learned Motor Accident Claims Tribunal (Sub Judge), Ambasamudram, is directed to transmit the entire records pertaining to the case in M.C.O.P.No.19 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.

19.11.2024

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



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To

- 1.The Motor Accident Claims Tribunal (Sub Judge),
Ambasamudram.
- 2.The Motor Accident Claims Tribunal/
3rd Additional District Judge, Tirunelveli.
- 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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19.11.2024