



Tr.C.M.P.(MD).No.596 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Tr.C.M.P.(MD).No.596 of 2023
and C.M.P.(MD).No.13244 of 2023

R.Balamurugan

... Petitioner/Claimant

Vs.

1.C.Rajesh

2.IFFCO-TOKKIO General Ins. Co.Ltd.,
Tiripura Arcade,
No.75A & B, Trivandrum Road,
Palayamkottai,
Tirunelveli.

... Respondents/Respondents

PRAYER : Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to withdraw the M.A.C.O.P.No.42 of 2021 on the file of the Motor Accident Claims Tribunal (Sub Judge), Tiruchendur and transfer the Motor Accident Claims Tribunal (Special Sub Court), Tirunelveli and try along with the M.A.C.O.P.No.795 of 2022 on the file of the Motor Accident Claims Tribunal (Special Sub Court), Tirunelveli.



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For Petitioner : Mr.T.Selvakumaran

For Respondents : Mr.N.Vignesh for R1

Mr.V.Sakthivel for R2

ORDER

This petition has been filed to withdraw the M.A.C.O.P.No.42 of 2021 on the file of the Motor Accident Claims Tribunal (Sub Judge), Tiruchendur and transfer the Motor Accident Claims Tribunal (Special Sub Court), Tirunelveli and try along with the M.A.C.O.P.No.795 of 2022 on the file of the Motor Accident Claims Tribunal (Special Sub Court), Tirunelveli.

2.The facts in brief:

The petitioner stated that he filed M.A.C.O.P.No.42 of 2021 on the file of the Motor Accident Claims Tribunal (Sub Judge), Tiruchendur, seeking compensation of Rs.30,00,000/- due to the injury sustained by the petitioner by the accident took place on 08.02.2021. It is further appears that the petitioner's daughter also filed a petition in M.A.C.O.P.No.795 of 2022 on the file of the Motor Accident Claims Tribunal (Sub Judge), Tirunelveli, seeking compensation of Rs.



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30,00,000/- for the same accident. Therefore, to try both cases, seeking transfer of M.A.C.O.P.No.42 of 2021 from the file of Motor Accident Claims Tribunal (Sub Judge), Tiruchendur, this petition has been filed.

3.Heard both sides.

4.The first respondent is the owner of the vehicle. The place of accident is Udankudi. The second respondent has no objection, whereas the first respondent has objection to transfer the case on the ground of jurisdiction. The learned counsel for the petitioner would submit that since another matter is pending before the Motor Accident Claims Tribunal (Sub Judge), Tirunelveli, he seeks transfer.

5.Considering the facts and circumstances of the case, the M.A.C.O.P.No.42 of 2021, filed by the petitioner on the file of the Motor Accident Claims Tribunal (Sub Judge), Tiruchendur, is ordered to be withdrawn and transferred to the Motor Accident Claims Tribunal (Sub Judge), Tirunelveli, to try along with M.A.C.O.P.No.795 of 2022.



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6. Accordingly, this transfer civil miscellaneous petition is allowed.

No costs. Consequently, connected miscellaneous petition is closed.

21.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
TM

To

1. The Motor Accident Claims Tribunal (Sub Judge), Tiruchendur.
2. The Motor Accident Claims Tribunal (Sub Judge), Tirunelveli.
3. The Section Officer,
E.R. Section/V.R. Section,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGO VAN,J.

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