



Tr.CMP(MD)No.1 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.01.2024

**CORAM
THE HON'BLE MR.JUSTICE G.ILANGO VAN**

**Tr.CMP(MD)No.1 of 2024
and
CMP(MD)No.9 of 2024**

1.A.Jeyaraj
2.Petchiammal

.. Petitioners/Respondents 4&5

Vs.

1.Nithya

2.Minor N.Harshika Shree

.. Respondents 1 & 2/Petitioners 1&2

3.V.Boopathi

4.A.Duraisamy

5.Universal Sompo General Insurance Company Limited,

Office at 657, 3rd Floor, Tristar Towers,

AVinasi Road, Near Lakshmi Mills Junction,

P.N.Palayam,

Coimbatore-641 037

.. Respondents 3 to 5/Respondents 3 to 5

*[Minor 2nd respondent is represented
by her mother and natural guardian N.Nithya]*

PRAYER : Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil

Procedure Code, to withdraw the and transfer the MCOP.No.133 of 2022 from the

<https://www.mhc.tn.gov.in/judis>



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file of the Sub Court, Palladam, Tiruppur District to the Motor Accidents Claims
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Tribunal/District Judge, Communal Clash Cases, Madurai District.

For Petitioners : Mr.C.Baskaran

ORDER

The petitioners are the parents of the deceased Naveen @ Navaneethan. The first respondent, who is the wife of the deceased filed a petition in MCOP.No.133 of 2022 on the file of the Sub Court, Palladam, Tiruppur District, along with her minor child claiming compensation for her husband's death occurred due to the rash and negligent driving of the third respondent, who drove the four wheeler viz., Bolero Pickup bearing Registration No.TN-77-E-5753, on 23.10.2022 at about 01.30 p.m., while the deceased returned back to his home by riding his two wheeler viz., Pulsar bearing Registration No.TN-58-Z-3133 near Thanner Panthal Bus stop at Dharapuram to Palladam Road. In that petition, the present petitioners are added as respondents 4 and 5. They also filed counter before the learned Sub Judge, Palladam. Pending MCOP proceedings, the petitioners herein filed another MCOP for the same accident. According to the petitioners, they filed the petition in the year 2022 before the Motor Accident Claims Tribunal, District Court, Communal Clash Cases, Madurai District. Thereafter only the wife of the deceased filed (*)MCOP.No.

133 of 2022 before the Sub Court, Palladam. Now, it is stated that two cases are



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pending in two different Court for the same accident. Since claims are one and the same in both the matters, the petitioner filed this transfer civil miscellaneous petition to transfer the (*)**MCOP.No.133 of 2022** from the file of the Sub Court, Palladam to the Motor Accident Claims Tribunal/District Judge, Communal Clash Cases, Madurai District, for joint trial along with (*)**MCOP.No.58 of 2023**.

2. Since MCOP.No.133 of 2022 was filed by the wife earlier to the filing of MCOP.No.58 of 2023, that need not be transferred to the Motor Accident Claims Tribunal, District Judge, Communal Clash Cases, Madurai District. The learned counsel for the petitioners submitted that the MCOP.No.58 of 2023 may be transferred to the file of the Sub Court, Palladam. The said undertaking is recorded.

3. On the basis of the undertaking given by the learned counsel for the petitioners herein, this Court is inclined to allow this petition and accordingly, this Transfer Civil Miscellaneous Petition is allowed with the following direction.

“This Court withdraws (*)**M.C.O.P.No.58 of 2023** from the file of the Motor Accidents Claims Tribunal/District Judge, Communal Clash Cases, Madurai District and transfers the same to the Sub Court, Palladam. The



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Motor Accidents Claims Tribunal/District Judge, Communal Clash Cases,
Madurai District is directed to transfer the entire records in (*)M.C.O.P.No.
58 of 2023 to the transferee Court forthwith. The transferee Court shall
receive the records and assign a new number, send notice to both parties
and proceed both the matters jointly."

Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

(*)Corrected as per the order of this court dated
28.03.2024 made in TR CMP(MD).No.1 of 2024.

Sd/-

Assistant Registrar(CO)

// True Copy //

/04/2024

Sub Assistant Registrar()

PJL

To

To be substituted to the order which is already despatched on 12.03.2024

1. The District Judge/
Motor Accident Claims Tribunal,
Communal Clash Cases,
Madurai District.

<https://www.mca.court.gov.in> 2. The Subordinate Judge,



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Palladam,
Thiruppur District.

+1 CC to M/s.C.BASKARAN, Advocate (SR-288[F] dated 04/01/2024)

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MGJ(22.02.2024) 5P 4C

MK(18.04.2024) 5P 4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023