



Tr.C.M.P.No.236 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **24.01.2025**

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

Tr.C.M.P.No.236 of 2024
& C.M.P.No.4739 of 2024

Mariyammal (deceased)

1.Sivakami
2.P.Kowsalya
3.Meena
4.Sindhu

.. Petitioners

Vs

1.M.Srinivasan

2.ICICI Lombard General Insurance Company Limited,
Chotabai Centre,
No.140, Nungambakkam High Road,
Chennai-600 034.

.. Respondents

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw the case in M.C.O.P.No.366 of 2009 pending on the file of the learned IV Additional District Judge, Ponneri and transfer the same to the file of the learned II Judge, Small Causes Court,



Tr.C.M.P.No.236 of 2024

Chennai and to be tried along with M.C.O.P.No.3788 of 2021 pending on its file.

For Petitioners : Mr.S.John Josh

For R1 : Mr.M.Raja

For R2 : Mr.R.V.Sivaraj

ORDER

This transfer petition seeks to withdraw M.C.O.P.No.366 of 2009 on the file of the learned IV Additional District Judge, Ponneri and transfer the same to the file of the II Small Causes Court, Chennai, to be tried along with M.C.O.P.No.3788 of 2021 pending on its file.

2.I heard both sides. I have gone through the entire records.

3.The claimants are the petitioners in this transfer petition. M.C.O.P.No.366 of 2009 filed by one Mariyammal seeking compensation for the death of her son G.Thyagu @ Paramasivam. The road accident took place on 06.08.2008. Mariayammal had passed away on 23.03.2011. Thereafter, M.C.O.P.No.366 of 2009 came to be dismissed for default on 21.09.2011. Without restoring M.C.O.P.No.366 of 2009, the civil revision petitioners, who are the siblings of the



Tr.C.M.P.No.236 of 2024

deceased Thyagu, filed M.C.O.P.No.3788 of 2021 on the file of the II Small Causes Court, Chennai seeking compensation for the very same accident.

4.The respondents brought to the notice of the Motor Accidents Claims Tribunal at Chennai that already M.C.O.P. had been presented and had been dismissed for default. Subsequently, the petitioners herein filed an application in M.P.No.2 of 2024 in M.C.O.P.No.366 of 2009 before the IV Additional District Court, Ponneri seeking restoration.

5.Considering the fact that M.C.O.P.No.366 of 2009 and M.C.O.P.No.3788 of 2021 relate to the same accident and the same deceased, I am inclined to consider the transfer.

6.Accordingly, M.P.No.2 of 2024 in M.C.O.P.No.366 of 2009 is withdrawn from the file of the learned IV Additional District Judge, Ponneri and transferred to the file of the learned II Judge, Small Causes Court, Chennai. The said proceedings shall be heard and disposed of along with M.C.O.P.No.3788 of 2021, which is pending on the file of the II Small Causes Court, Chennai.



Tr.C.M.P.No.236 of 2024

7. With the above observations, the Transfer Petition is allowed.

No costs. Consequently, connected miscellaneous petition is closed.

24.01.2025

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

kj

To

1. II Judge, Small Causes Court, Chennai.

2. Additional District Judge, Ponneri.



WEB COPY



Tr.C.M.P.No.236 of 2024

V. LAKSHMINARAYANAN,J.

Kj

Tr.C.M.P.No.236 of 2024
& C.M.P.No.4739 of 2024

24.01.2025