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Tr.C.M.P.No.684 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.684 of 2024
& C.M.P.No.14763 of 2024

Thavamani

.. Petitioner

Vs

1. Ravichandran

2. The New India Assurance Company Limited,
rep. by its Regional Manager (TP HUB),
Regional Office,
CMTS Bhavan, 70 feet Road,
Ellisnagar, Madurai

3. Pandiyarajan

.. Respondents

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw and transfer MCOP No.45 of 2023 pending on the file of Motor Accident Claims Tribunal, Sub Court, Usilampatti to the file of Motor Accident Claims Tribunal, V Judge, Court of Small Causes, Chennai.

For Petitioner : Ms. M. Malar

For Respondent : Mrs. R. Sree Vidhya , for R2
M. Preetha, for R3



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ORDER

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2. Both the Motor Accident Claim petitions arise out of the accident, which took place on 16.04.2023. On account of the accident, the petitioner's son one Deebesh passed away. The petitioner is the mother of the deceased. She joined her minor daughter and presented a claim petition before Motor Accident Claims Tribunal at Chennai. The 3rd respondent herein, who is the father of the deceased, had independently filed a claim petition in MCOP No.45 of 2023 before Motor Accident Claim Tribunal at Usilampatti. Pleading that both the proceedings have to be tried together, the present transfer petition has come before this Court.

3. Notice was issued to the respondents. Ms. Preetha, has entered appearance for the 3rd respondent and Mrs.R.Sree Vidhya, is appearing for the Insurance Company/2nd respondent.



Tr.C.M.P.No.684 of 2024

4. Both the claim petitions arising out of the same accident, interest of justice requires that the petitions are heard together and disposed of. The cause of action is the same and in order to avoid any conflict of judgments, interest of justice requires that both the claims are tried by the same Court.

5. In the light of the above discussion, MCOP No.45 of 2023 is withdrawn from the file of the Motor Accident Claims Tribunal, Sub Court at Usilampatti and transferred to the file of V Court of Small Causes at Chennai for joint trial along with MCOP No.5383 of 2023.

6. With the above observations, the Transfer Petition is ordered. No costs. Consequently, connected miscellaneous petition is closed.

24.01.2025

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No

mrp

To

1.The Motor Accident Claims Tribunal, Sub Court,Usilampatti.

2.The V Court of Small Causes, Chennai.



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V. LAKSHMINARAYANAN,J.

mrp

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