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Tr.CMP.Nos.734 and 744 of 2025 and
C.M.P.Nos.17071 and 17475 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

Tr.CMP.Nos.734 and 744 of 2025

and

C.M.P.Nos.17071 and 17475 of 2025

1.Sangeetha

2.Vishal

3.Minor Sudikshaa

(Minor No.3 is represented by Next Friend Guardian

Mother Sangeetha)

... Petitioners in Tr.C.M.P.No.734 of 2025

1.D.Sangeetha

2.Minor D.Vishal

3.Minor D.Sudikshaa

(2nd and 3rd Minor Petitioners are rep by guardian, next friend, Mother
D.Sangeetha, 1st petitioner herein)

No.10, Asirvathapuram 3rd Street,

Pulianthope, Chennai - 600 012. ... Petitioners in Tr.C.M.P.No.744 of 2025

Versus

1.C.Gnanvel

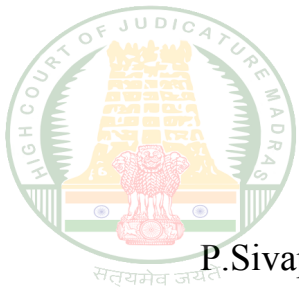
2.United India Insurance Company Limited,

No.1/127-A, Trunk Road,

Ponamallee, Chennai - 600 056.

Sivabakkiyam (Died)

...Respondents in Tr.C.M.P.No.734 of 2025



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P.Sivapakkiyam (Died)

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- 1.P.Shanmugasundaram
- 2.C.Gnanavel
- 3.DM, United India Insurance Company Limited,
No.1/127-A, Trunk Road,
Ponamallee, Chennai - 600 056.

...Respondents in Tr.C.M.P.No.744 of 2025

Prayer in Tr.C.M.P.No.734 of 2025:- Transfer Civil Miscellaneous Petition filed under Section 24 of the CPC, to withdraw and transfer M.C.O.P.No.303 of 2020 pending on the file of Additional District Judge of Hosur to the file of Motor Accident Claims Tribunal, Chief Judge, Court of Small Causes, Chennai.

Prayer in Tr.C.M.P.No.744 of 2025:- Transfer Civil Miscellaneous Petition filed under Section 24 of the CPC, to withdraw and transfer M.C.O.P.No.121 of 2021 pending on the file of Additional District Judge of Hosur to the file of Motor Accident Claims Tribunal, Chief Judge, Court of Small Causes, Chennai.

Tr.C.M.P.No.734 of 2025:-

For Petitioners	:	Mr.R.Mohan Babu
For R1	:	Mr.V.S.Gopu
For R2	:	Mr.R.Sankaranarayanan

Tr.C.M.P.No.744 of 2025:-

For Petitioners	:	Mr.R.Mohan Babu
For R1	:	Mr.M.Vinoth
For R2	:	Mr.V.S.Gopu
For R3	:	Mr.P.Sankaranarayanan



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COMMON ORDER

The petitioner-wife has filed the present transfer petitions seeking withdrawal of M.C.O.P. Nos. 303 of 2020 and 121 of 2021 from the file of the learned Additional District Judge, Hosur, and transfer to the file of the Motor Accident Claims Tribunal, Chief Judge, Court of Small Causes, Chennai.

2. Heard the learned counsel on both sides.

3. The learned counsel for the petitioner/wife submits that her mother-in-law, P. Sivabakkiyam, and her brother-in-law, P. Shanmugasundaram, had filed a separate claim petition before the Motor Accident Claims Tribunal, Cuddalore, in M.C.O.P. No. 951 of 2020. The petitioner filed a transfer petition before this Court in Tr.C.M.P. No. 29 of 2021 seeking transfer of the said claim petition from Cuddalore to Hosur for joint trial, by this Court vide order dated 17.02.2021 allowed the transfer petition and ordered that M.C.O.P. No. 951 of 2020, pending before the Motor Accident Claims Tribunal, Cuddalore, be transferred to the Additional District Court, Hosur,



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Krishnagiri District, to be tried along with M.C.O.P. No. 303 of 2020.

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Consequently, M.C.O.P. No. 951 of 2020 was transferred and renumbered as M.C.O.P. No. 121 of 2021. The Additional District Court, Hosur, ordered notice to the respondents. However, the petitioners in M.C.O.P. No. 121 of 2021 failed to take steps against the respondents and intentionally prolonged the trial. In the meantime, the first petitioner, P. Sivabakkiyam, in M.C.O.P. No. 121 of 2021, died on 27.01.2024 due to old age, and steps for amendment are still pending.

4. The learned counsel further submitted that the petitioner's son, Vishal, born on 28.05.2001, with the intellectual disability, and the Government of India has issued a Disability Certificate and a Unique Disability ID with 80% disability on 12.04.2020. Similarly petitioner's daughter Sudhiksha was born on 28.10.2005 with locomotor disability. It is further submitted that the petitioner and her husband had been taking care of both their disabled children since birth. After the death of her husband, the petitioner is finding it very difficult to raise her children without any support or source of income. In order to provide medical care, she shifted to Chennai and she could not able to find a job. Therefore, it is just and necessary, both



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claim petitions may be transferred to Chennai and tried together.

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5. It is seen from records, both the claim petitions have been filed for compensation on account of the death of one P. Dharmakannu in a road traffic accident occurred on 28.05.2020. Further, the third respondent, being the owner of the vehicle, was set ex parte in both claim petitions, and the fourth respondent, United India Insurance Company Limited, has its regional and head office at Chennai.

6. The learned counsel appearing for R2 / Insurance Company has no objection to allowing this petition.

7. I have gone through the affidavit filed in support of the petitions and find merit in the submissions made by the learned counsel for the petitioner/wife.

8. In view of the above and considering the consent given by the other side, there is no impediment to allowing these petitions as prayed for.



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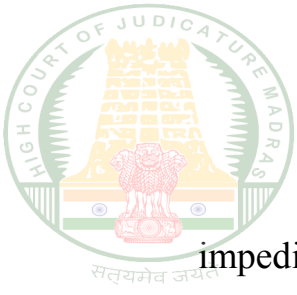
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9. At this juncture, it may be apposite to cite the judgment of the Hon'ble Apex Court in ***N.C.V.Aishwarya vs. A.S.Saravana Karthik*** (***MANU/SC/1211/2022 : 2022 Live Law (SC) 627***) held at paras 9 and 10, which reads as under:-

"9. The cardinal principle for exercise of power under section 24 of the Code of Civil Procedure is that the ends of justice should demand the transfer of the suit, appeal or other proceeding. In matrimonial matters, wherever Courts are called upon to consider the plea of transfer, the Courts have to take into consideration the economic soundness of both the parties, the social strata of the spouses and their behavioural pattern, their standard of life prior to the marriage and subsequent thereto and the circumstances of both the parties in eking out their livelihood and under whose protective umbrella they are seeking their sustenance to life. Given the prevailing socio-economic paradigm in the Indian society, generally, it is the wife's convenience which must be looked at while considering transfer. (emphasis supplied)

10. Further, when two or more proceedings are pending in different Courts between the same parties which raise common question of fact and law, and when the decisions in the cases are interdependent, it is desirable that they should be tried together by the same Judge so as to avoid multiplicity in trial of the same issues and conflict of decisions".

10. In the light of the proposition laid down in the judgment of the Hon'ble Supreme Court in ***N.C.V.Aishwarya*** case cited *supra*, there can be no



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impediment for allowing this petition as prayed for.

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11. Accordingly, these Transfer Civil Miscellaneous Petitions are allowed. M.C.O.P. Nos. 303 of 2020 and 121 of 2021 are withdrawn from the file of the Additional District Judge, Hosur, and transferred to the file of the Motor Accident Claims Tribunal, Chief Judge, Court of Small Causes, Chennai. The learned Judge shall expedite the disposal of M.C.O.P. Nos. 303 of 2020 and 121 of 2021 within a period of six months from the date of receipt of a copy of this order. No costs. Connected C.M.Ps. are closed.

22.09.2025

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Index : Yes/No

Speaking order : Yes/No

Neutral Case Citation : Yes/No

To

1. The Additional District Judge of Hosur.

2. The Motor Accident Claims Tribunal, Chief Judge, Court of Small Causes,
Chennai.

M. JOTHIRAMAN, J.

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