



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2025

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

Tr.C.M.P.No.814 of 2024

& CMP.No.18020 of 2024

Muthuvedi

... Petitioner

vs.

1.S.Damayanthi
2.S.Ayyappan
3.Subramania Gounder
4.National Insurance Company Limited,
Represented by its Branch Manager,
Office at 2nd Floor,
R.P.Towers, No.88, Coimbatore Road,
Pollachi-642 001.

... Respondents

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 151 of Code of Civil Procedure, to withdraw M.C.O.P.No.149 of 2020 on the file of the Subordinate Court, Pollachi and transfer the same to the Principal District Court, Dharmapuri, and hear along with M.C.O.P.No.515 of 2020 on the file of the Principal District Court, Motor Accident Claims Tribunal, Dharmapuri.

For Petitioner : Mr.S.P.Yuvaraj

For Respondent : Mr.M.Lokesh
for Mr.Ma.P.Thangavel for R1
Mr.S.Arunkumar for R4
R2 and R3-Died



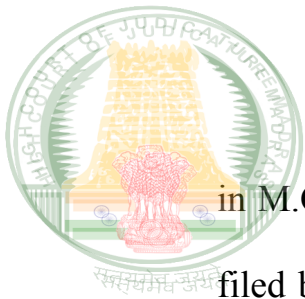
ORDER

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The mother of the deceased/Sekar has come forward with the present transfer civil miscellaneous petition seeking transfer of M.C.O.P.No.149 of 2020, from the file of the Subordinate Court, Pollachi to the file of the Principal District Court, Dharmapuri, to be tried along with M.C.O.P.No.515 of 2020 which has been filed by the petitioner herein.

2. Heard Mr.S.P.Yuaraj, learned counsel appearing for the petitioner, Mr.M.Lokesh, learned counsel representing Mr.Ma.P.Thangavel, learned counsel appearing for the first respondent and Mr.S.ArunKumar, learned counsel appearing for the fourth respondent.

3. The learned counsel appearing for the petitioner states that the petitioner is the aged mother of the deceased, namely, Sekar, who died in the road accident and claiming compensation, the petitioner has filed M.C.O.P.No.515 of 2020 before the Motor Accident Claims Tribunal, (Principal District Court), Dharmapuri, and stating that the petitioner is aged about 75 years and expressing inconvenience to attend the M.C.O.P proceedings, that has been initiated by the daughter-in-law of the petitioner

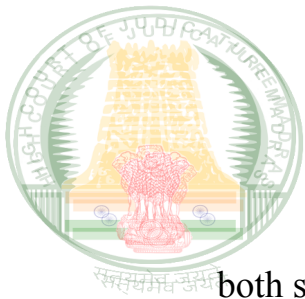


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in M.C.O.P.No.149 of 2020, the petitioner seeks to transfer the proceedings filed by the wife of the deceased, to the file of the Motor Accident Claims Tribunal, Principal District Court, Dharmapuri.

4. The learned counsel appearing for the petitioner would further submit that there would be no difficulty for the daughter-in-law and the other parties to appear before the Court at Dharmapuri and no serious prejudice therefore would be caused, if the transfer request of the mother is accepted.

5. The learned counsel appearing for the first respondent would submit that the accident occurred within the jurisdiction of the Subordinate Court, Pollachi and further, not only the witnesses who will be necessarily examined during the proceedings but also the records of the Insurance Company are available within the jurisdiction of the Subordinate Court, Pollachi and therefore, it would not be practicably possible to ensure the proper attendance of the witnesses and also production of records before the Principal District Court, Dharmapuri.



6. I have perused the records and considered the submissions made by both sides.

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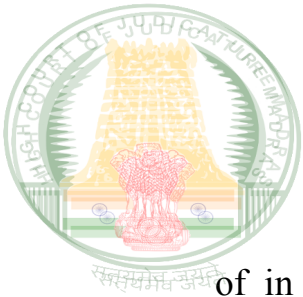
7. Firstly, it is seen that the petition filed by the wife is earlier in point of time. Secondly, as contended by the learned counsel appearing for the first respondent, the accident occurred within the jurisdiction of the Pollachi Court and eye-witnesses who will have to be necessarily examined are all residing within the jurisdiction of Pollachi and the Insurance Company also has its office only at Coimbatore Road, Pollachi. Therefore, it would be convenient and also in the interest of all the parties that the proceedings are held before the Subordinate Court, Pollachi. If the proceedings are transferred to the Motor Accident Claims Tribunal, Principal District Court, Dharmapuri, there is a likelihood of the witnesses not coming all the way to depose in support of the claimants.

8. In the light of the above and considering the overall interest of both the petitioner and the first respondent/wife of the deceased, I am inclined to transfer M.C.O.P.No.515 of 2020 pending on the file of the Motor Accident Claims Tribunal, Principal District Court, Dharmapuri, to be tried along with



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M.C.O.P.No.149 of 2020, before the Motor Accident Claims Tribunal, Subordinate Court, Pollachi. However, considering the fact that the mother is aged more than 75 years, it is made clear that her evidence shall be recorded first and on the date of examination, after pleadings are complete, the petitioner/Muthuvedi shall be examined as P.W.1 and both Motor Accident Claims Original Petitions shall be tried jointly and the evidence of P.W.1 shall be recorded on the same day, both chief and cross for the purpose of not causing any inconvenience to the aged mother of the deceased. On transfer, the Subordinate Court, Pollachi, shall ensure the completion of pleadings within a period of eight weeks from the date of receipt of a copy of this order. Considering the fact that the mother who is aged 75 years, has chosen to seek compensation independently, both the Motor Accident Claims Original Petitions shall be tried jointly and the trial of both the petitions shall be expedited and the proceedings shall be completed by the end of January 2026.



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9. Accordingly, this Transfer Civil Miscellaneous Petition is disposed of in the above terms. There shall be no order as to costs. Connected miscellaneous petition is closed.

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Index : Yes / No

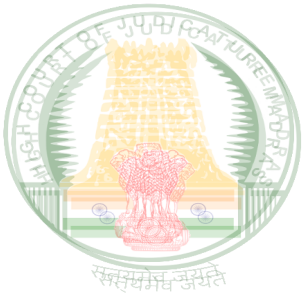
Speaking order / Non-speaking order

Neutral Citation Case : Yes / No

To

- 1.The Motor Accident Claims Tribunal,
Subordinate Court, Pollachi.
- 2.The Motor Accident Claims Tribunal,
Principal District Court, Dharmapuri.
- 3.The National Insurance Company Limited,
Represented by its Branch Manager,
Office at 2nd Floor,
R.P.Towers, No.88, Coimbatore Road,
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P.B. BALAJI,J.



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