



Tr.C.M.P.No.912 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.912 of 2024

&

C.M.P.No.19986 of 2024

Gomathi

...

Petitioner

Vs

1. V. Sekar

2. S. Jayalakshmi.

3. P. Gnanasekar

4. M/s. Sachin Suppliers,
Plot No.73, Viswasha Puram,
Pammal, Anakaputhur,
Chennai 600 075.

5. ICICI Lombard General Insurance Company Limited,
2, 3rd Floor, Nungambakkam High Road,
Ottabi Centre, Chennai 600 034

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Respondents

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to transfer MCOP No.636 of 2023 pending on the file Special Sub Court, Dindigul to the file of Motor Accident Claims Tribunal, Court of Small Causes, Chennai.

For Petitioner : Mrs.M.Malar
For Respondents : Y. Prakash, for R1 & R2
: No appearance for R3 to R5



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ORDER

WEB COPY

This transfer petition seeks for withdrawal of MCOP No.636 of 2023 on the file of the Motor Accident Claims Tribunal at Dindigul and transfer the same to the file of the Small Causes Court at Chennai.

2. I heard the learned counsel for the petitioner and the learned counsel for the first and second respondents. I have gone through the affidavit.

3. MCOP No.636 of 2023 has been filed by the parents of the deceased Shanmugapandi and MCOP No.2954 of 2020 has been filed three years earlier by the transfer petitioner claiming to be the wife of the deceased Shanmugapandi. Both the claim petitions were filed on account of the death of one Shanmugapandi in an accident that took place on 17.03.2020.

4. The petitioner pleads that the respondents 1 and 2 herein had entered appearance before the Chief Judge, Small Causes Court at Chennai on 16.09.2021 and thereafter filed a parallel litigation, thereby making a double claim for the same accident. As the cause of action for both the claim petitions are one and the same, interest of justice requires that they are heard and disposed of by the same learned Judge.



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WEB COPY 5. The learned counsel for the respondents 1 and 2 pleads that the evidence has been concluded in MCOP No.2954 of 2020. That being the situation, on the receipt of the papers from the Motor Accident Claims Tribunal at Dindigul, the learned Chief Judge, Small Causes Court shall club both the proceedings together and pronounce a common judgment.

6. Accordingly, MCOP No.636 of 2023 is withdrawn from the file of the Motor Accident Claims Tribunal, Dindigul and transferred to the file of the Chief Court, Small Causes Court, Chennai. The Chief Judge, Small Causes Court, Chennai, on transfer of the proceedings, shall re-number the same and try it along with MCOP No.2954 of 2020, which is said to be pending on his file.

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

Index:Yes/No

24.01.2025

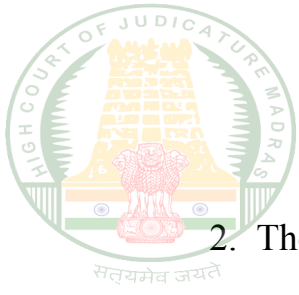
Speaking order/Non-speaking order

Neutral Citation:Yes/No

mrp

To

1. The Motor Accident Claims Tribunal, Dindigul



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2. The Chief Court, Small Causes Court, Chennai.

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V. LAKSHMINARAYANAN,J.

mrp

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