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Tr.CMP.No.978 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.03.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

Tr.CMP.No.978 of 2024
and CMP.No.21403 of 2024

Aruna

... Petitioner

Vs.

1.N.S.Auto Spares
Proprietor Mr.P.Raju
No.58/170, Gandhipuram
East Vinayagapuram
Narasingapuram, Attur Taluk
Salem District.

2.The New India Assurance Co. Ltd.,
Divisional Office
J.N.Street, Puducherry.

3.Valliammal
4.Muniyan

... Respondents

Prayer: Transfer Petition filed under Sec.24 of CPC praying to transfer the hearing of MCOP.No.3086 of 2023 before the III Small Causes Court, Chennai to III Additional District Judge, Motor Accident Claims Tribunal at Kallakurichi and pass any other orders as deem fit in the interest of justice.



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For Petitioner : Mr.V.Gunasekar
For Respondents : Ms.Sanjivi Lakshmi [R3 & R4]
R1 & R2 - Served [No appearance]

ORDER

The present Transfer CMP is filed seeking to transfer MCOP.No.3086 of 2023 pending on the file of III Small Causes Court, Chennai to the file of III Additional District Judge, Motor Accident Claims Tribunal, Kallakurichi, be tried along with M.C.O.P.No.192 of 2023 pending on its file.

2. According to the petitioner, she is the native of Kallakurichi. After her marriage, she and her husband lived at Salem. On 11.11.2022, her husband Kumaresan met with a road accident and died on the same day. Seeking compensation for the death of her husband, the petitioner had filed MCOP.No.192 of 2023 on the file of III Additional District Judge, Motor Accident Claims Tribunal at Kallakurichi. In the said MCOP, the petitioner had impleaded the respondents 3 and 4 herein as respondents 3 and 4 there, and they have also filed their counter in the said MCOP proceedings.



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4. The respondents 3 and 4 are none else than the parents-in-law of the petitioner and they reside at Tiruvannamalai. Claiming as legal representatives of the deceased Kumaresan, the respondents 3 and 4 have filed a separate claim petition in MCOP.No.3086 of 2023, seeking compensation for the death of their son Kumaresan and the same is pending before the III Small Causes Court, Chennai.

5. The respondents 1 and 2 though served, have not entered appearance either in person or through counsel. Heard the learned counsel for the petitioner and the learned counsel appearing for respondents 3 and 4.

6. Considering the facts and circumstances of the case that the accident had taken place at Salem and the petitioner had filed MCOP.No.192 of 2023 on the file of III Additional District Judge, Motor Accident Claims Tribunal at Kallakurichi, in which the respondents 3 and 4 herein have been arrayed as respondents and that the said respondents have filed their counter in MCOP.No.192 of 2023, interest of justice would be served if MCOP.No.3086 of 2023 filed by the respondents 3 and 4, pending



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before the III Small Causes Court, Chennai is withdrawn from its file and transferred to the file of III Additional District Judge, Motor Accident Claims Tribunal, Kallakurichi, be tried along with M.C.O.P.No.192 of 2023, filed by the petitioner.

7. Accordingly, the transfer CMP is allowed. No costs.
Consequently, connected miscellaneous petition is closed.

03.03.2025

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes / No
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To:

- 1.The Judge
Small Causes Court, Chennai.
- 2.The III Additional District Judge
Motor Accident Claims Tribunal, Kallakurichi.
- 3.The Section Officer
VR Section
High Court, Madras.



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P.T. ASHA, J.

ds

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