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Tr.CMP.No.1250 of 2023 and C.M.P.No.29597 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

Tr.CMP.No.1250 of 2023

and

C.M.P.No.29597 of 2023

1.Swetha,

2. Minor. Rithick Sai,

... Petitioners

Versus

1. P. Alagesan,

2. United India Insurance Co. Ltd.,
Having office at PPS Complex,
1st Floor, Mettur Main Road,
Salem - 636 455.

3. Santhi,

4. Rajasekar

... Respondents

Prayer:- Transfer Civil Miscellaneous Petition filed under Section 24 of the CPC, to withdraw the MCOP No.600/2022, on the file of Motor Accident Claims Tribunal (Special District Court, Dharmapuri and transfer the same to hear along with MCOP No.43 of 2022 on the file of Motor Accident Claims Tribunal (Principal Sub-Judge, Omalur).



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For Petitioner : Mr.G.P. Yuaraj
For Respondents : No appearance for R1, R3, & R4
Mr.D.Venkatachalam, undertakes to file
Vakalat for R2- Insurance Company

ORDER

The Transfer Civil Miscellaneous Petition filed under Section 24 of the CPC, to withdraw the MCOP No.600/2022, on the file of Motor Accident Claims Tribunal (Special District Court, Dharmapuri and transfer the same to hear along with MCOP No.43 of 2022 on the file of Motor Accident Claims Tribunal (Principal Sub-Judge, Omalur).

2. Despite service of notice in the above transfer petition, the respondents have neither chosen to appear in person nor through counsel except the 2nd respondent-Insurance Company. The name of the respondents is also printed in the cause list. The respondents are called and set ex-parte. Hence, I have proceeded to hear the learned counsel for the petitioner. I have also gone through the affidavit filed in support of the request for transfer.



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3. The petitioner has stated that since the petitioner's husband died due to the road accident, she has filed MCOP No.43 of 2022 on the file of the Motor Accidents Claims Tribunal, Principal Sub Judge, Omalur, seeking for compensation against the respondents. Even knowing the aforesaid MCOP case, the respondents 3 and 4 have filed MCOP No.600 of 2022 before the Motor Accident Claims Tribunal, Special District Court, Dharmapuri, with ulterior motive against the respondents 1 and 2. Due to the death of one Sakthivel, both the aforesaid claim petitions have been filed by the wife of the deceased and mother and brother of the deceased. In order to avoid multiplicity of proceedings and conflict of decisions, the both claim petitions are to be tried jointly. Hence, he seeks the relief as prayed for. I am satisfied that the petitioner has made out good ground for transferring the said transfer petition.

4. In the light of the above, this Transfer Civil Miscellaneous Petition is allowed. The case in M.C.O.P.No.600 of 2022 is withdrawn from the file of the Motor Accident Claims Tribunal, Special District Court, Dharmapuri



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M. JOTHIRAMAN, J.

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and transferred to the file of the the Motor Accidents Claims Tribunal,
Principal Sub Judge, Omalur. Considering the facts there shall be no orders
as to costs. Consequently, connected Civil Miscellaneous Petition is closed.

12.09.2025

Lbm
Index : Yes/No
Speaking order : Yes/No
Neutral Case Citation : Yes/No

To

1. The Motor Accident Claims Tribunal, Special District Court, Dharmapuri
2. The Motor Accidents Claims Tribunal, Principal Sub Judge, Omalur,

Tr.CMP.No.1250 of 2023
and
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