

Tr.CMP.(MD)No.240 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.08.2025

CORAM

THE HON'BLE MR JUSTICE K.K. RAMAKRISHNAN

Tr.CMP.(MD)No.240 of 2025

and

C.M.P.(MD)No.6417 of 2025

Muthupandi @ Muthu

.. Petitioner/4th Respondent

Vs.

1.Minor M.Bavana Sri

(1st Respondent is represented by the guardian Grandmother and next friend the 2nd respondent Suntharambal)

2.Suntharambal

3.Suppaiya

.. Respondents 1 to 3/Petitioners

4.Srinivasan

5.Tamil Selvan

6.The Branch Manager,
United India Insurance Co.Ltd.,
T.S.No.4, Royal City,
Karur Road,
Tiruchirappalli – 620 002.

... Respondents 4 to 6/Respondents 1 to 3



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Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 r/w 151 of the Code of Civil Procedure, to withdraw the case on the file of learned Motor Accident Claims Tribunal / Principal District Court, Pudukkottai, in M.C.O.P.No.505 of 2023 and transfer the same to the file of learned Motor Accident Claims Tribunal / Special District Judge II, Tiruchirappalli.

For Petitioner : Mr.P.Prabhakaran

For Respondents : Mr.J.S.Murali for R6
No Appearance for R1 to R5

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the case on the file of learned Motor Accident Claims Tribunal / Principal District Court, Pudukkottai, in M.C.O.P.No.505 of 2023 and transfer the same to the file of learned Motor Accident Claims Tribunal / Special District Judge II, Tiruchirappalli.

2.The petitioner is the husband of deceased Kavitha. On 04.12.2022 at about 09.05. a.m. he rode his two wheeler bearing



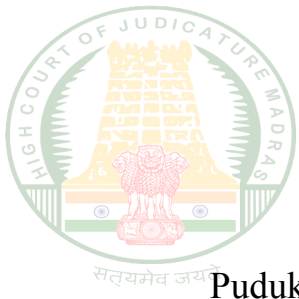
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Registration No.TN 55 BQ 6635 along with his wife Kavitha and minor child, on the Pudukkottai to Alangudi Road towards the eastern side. At that time, the fourth respondent's vehicle, which ridden by the fifth respondent on the same direction, hit the said two wheeler. Due to which the petitioner's wife Kavitha was thrown off from the two wheeler and died on the spot. The child was also thrown off and sustained injuries. Now his child is in the custody of his father-in-law and mother-in-law, who are the grandparents of the child.

3.The grandparents filed the M.C.O.P.No.505 of 2023 on the file of the Principal District Court, Pudukkottai. In the said M.C.O.P., the petitioner is fourth respondent. The petitioner also filed MCOP.No.808 of 2023 on the file of the Special District Judge – II, Motor Accidents Claims Tribunal, Tiruchirappalli, impleading his mother-in-law and father-in-law as fourth and fifth respondents.

4.In this circumstances, this petition has been filed to transfer the M.C.O.P.No.505 of 2023, from the file of the Principal District Judge,



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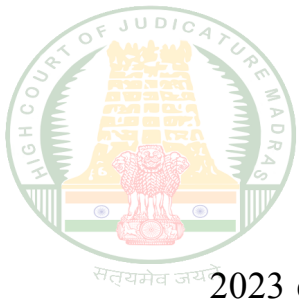
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Pudukkottai, to the file of the Special District Judge – II, Tiruchirappalli to try the same along with M.C.O.P.No.808 of 2023, filed by the petitioner. The learned counsel for the petitioner would submit that he has filed the above said petition much earlier to the M.C.O.P.No.505 of 2023 and all the respondents have their residence in the jurisdiction of Tiruchirappalli. Hence, he seeks the transfer of proceedings.

5.This Court issued notice to the respondents 1 to 5. They have not chosen to appear before this Court either in person or through any Advocate. The 6th respondent/insurance company entered appearance through counsel.

6.The 6th respondent has reiterated the submissions of the learned counsel appearing for the petitioner stating that all the respondents have their residence in Tiruchirappalli. Hence, he has no objection to allow the petition.

7.It is true that the petitioner has filed the M.C.O.P.No.808 of



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2023 earlier to the M.C.O.P.No.505 of 2023 filed by the respondents 1 to 3 on the file of the Principal District Court, Pudukkottai. There is no specific averment in the petition and affidavit that the minor child was with the petitioner namely the father of the child. After the death of the wife, the petitioner has not taken the custody of the minor. The minor is now in the custody of her grandparents, namely the parents of the deceased Kavitha. As per the petition they are very old. They are taking care of the minor child by taking residence at No.30, Alagambalpuram, Puvarasakudi Post, Alangudi Taluk, Pudukkottai District – 622 303. In the petition, the petitioner also has been added as a party. The petitioner has no difficulty travelling to attend the proceedings in the M.C.O.P.No.505 of 2023 in Pudukkottai.

8.In the peculiar circumstances of the present case the convenience of the parents of the deceased Kavitha have to be taken into account. Hence, this Court is not inclined to accept the plea of the petitioner. But, in order to avoid the conflict of decisions and also the petitioner is the fourth respondent in M.C.O.P.No.505 of 2023, this Court exercises the power under Section 151 of CPC to dispose of this petition.



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9.This Court considering the Special Circumstances which needs the special remedy order this transfer civil miscellaneous petition in the petition filed by the fourth respondent in M.C.O.P.No.505 of 2023. Normally this Court has no power to pass such order. But considering the special circumstances of the case, passes this order.

10.Accordingly, this transfer civil miscellaneous petition is disposed of on the following terms.

1. The petition filed by the petitioner in M.C.O.P.No.808 of 2023 on the file of the Special District Judge No.II, Motor Accident Claims Tribunal, Tiruchirappalli, is hereby withdrawn and transferred to the Principal District Court, Pudukkottai, to try the same along with the M.C.O.P.No.505 of 2023.
2. The learned Special District Judge No.II, Motor Accident Claims Tribunal, Tiruchirappalli, is hereby directed to transfer the entire records pertaining to the case, in M.C.O.P.No.808 of 2023 to the file of the learned Principal District Judge, Pudukkottai, within a period



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of **four** weeks from the date of receipt of a copy of this order, and on receipt of such records, the learned Principal District Judge, Pudukottai, is directed to take the case on file, try the same along with M.C.O.P.No.505 of 2023 already pending on his file, filed by the parents of the deceased Kavita and dispose of the case as expeditiously as possible in accordance with law.

3. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

04.08.2025

Index :Yes/No
Speaking Order :Yes/No
Neutral Citation :Yes/No
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To

- 1.The Special District Judge No.II, Motor Accident Claims Tribunal, Tiruchirappalli.
- 2.The Principal District Judge, Motor Accident Claims Tribunal, Pudukkottai.



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K.K. RAMAKRISHNAN, J.

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