

Tr.C.M.P(MD).No.653 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.01.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P (MD).No.653 of 2024
and
C.M.P(MD)No.15869 of 2024

1.P.Sangunthala

2.R.Panneer Selvam

: Petitioners

Vs.

1.Keerthiga

2.Minor Sivananthini

3.M/s.EID Parry India Ltd,
Pugalur Sugar Factory, Karur.

4.The Branch Manager,
United India Insurance Company Ltd,
Coimbatore.

: Respondents

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the M.C.O.P.No.291 of 2022 on the file of the Motor Accidents Claims Tribunal, Kumbakonam and transfer the same to the file of the Motor Accidents Claims Tribunal, Kulithalai to be tried along with the case in M.C.O.P.No.261 of 2023 on the file of the the Motor Accidents Claims Tribunal, Kulithalai.



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For Petitioner : Mr.T.A.Ebenezer

For Respondent : Mr.G.Karnan, for R1 & R2.

: Mr.A.Ilango, for R4.

: No Appearance, for R3.

ORDER

The Transfer Civil Miscellaneous Petition has been filed seeking orders to withdraw the case in M.C.O.P.No.291 of 2022 on the file of the Motor Accidents Claims Tribunal/Principal Sub Court, Kumbakonam and transfer the same to the file of the Motor Accidents Claims Tribunal, Kulithalai to be tried along with the case in M.C.O.P.No.261 of 2023 on the file of the the Motor Accidents Claims Tribunal, Kulithalai

2.The petitioners/parents of one Jeyaprakash, have laid the claim petition in M.C.O.P.No.261 of 2023, seeking compensation for the death of their son Jeyaprakash in a motor accident and the same is pending on the file of the Motor Accident Claims Tribunal, Kulithalai. It is also not in dispute that the wife and minor son of the deceased Jeyaprakash have also laid a claim petition in M.C.O.P.No.291 of 2022 before the Motor Accident Claims Tribunal/Principal Sub Court, Kumbakonam.



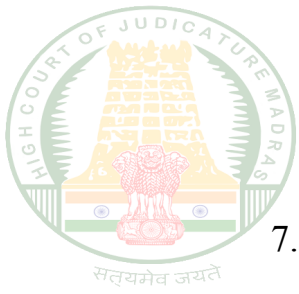
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WEB COPY 3. It is pertinent to note that the petitioners in their claim petition have not added the petitioners in M.C.O.P.No.291 of 2022, whereas the respondents 1 and 2 in their claim petition have added the petitioners herein being the parents of the deceased.

4.The learned counsel appearing for the petitioners would submit that the petitioners are residing at Thanjavur and find it very difficult to travel to kumbakonam and sought for transfer. He would further submit that the marriage between the first respondent and the deceased was void and the deceased has already initiated the matrimonial proceedings in H.M.O.P.No.264 of 2021 and the same was pending at the time of the death of the said Jeyapraksh.

5. But the fact remains that divorce was not granted by the competent Court till his death. It is not the case of the petitioner that they are proceeding with the matrimonial matter further.

6.The learned counsel appearing for the fourth respondent would submit that they are not having any objections to transfer the case.



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7. Considering the facts and circumstances of the case and taking note of the submissions made by the learned counsel on either sides, this Court is of the view that the petition in M.C.O.P.No.261 of 2023, is ordered to be withdrawn from the file of the Motor Accidents Claims Tribunal, Kulithalai and transfer the same to the file of the Motor Accidents Claims Tribunal/Principal Sub Court, Kumbakonam. Accordingly, the learned Judge, Motor Accidents Claims Tribunal, Kulithalai, is hereby directed to transmit the entire records in M.C.O.P.No.261 of 2023 to the file of the Motor Accidents Claims Tribunal/Principal Sub Court, Kumbakonam, within a period of 10 days from the date of receipt of a copy of this order and on receiving the case bundle, the learned Principal Sub Judge/Motor Accidents Claims Tribunal, Kumbakonam, is directed to take up the Petition on file and proceed in accordance with law.

8. With the above direction, the Transfer Civil Miscellaneous Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

28.01.2025

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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To

- 1.The Motor Accidents Claims Tribunal/
Principal Sub Judge, Kumbakonam.
- 2.The Motor Accidents Claims Tribunal, Kulithalai.
- 3.The Section Officer, VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

DAS

Order made in
Tr.C.M.P (MD).No.653 of 2024
and
C.M.P(MD)No.15869 of 2024

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