



TR.CMP(MD)No.497 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.02.2026

CORAM:

THE HONOURABLE **MR.JUSTICE MOHAMMED SHAFFIQ**

TR.CMP(MD)No.497 of 2025

P.Chellamuthu

...Petitioner

Vs

1.V.T.R.Thangarajan

2.The Branch Manager,
M/s.United India Insurance Company Limited,
Park House Round Road North,
Trichur 680 001,
Kerala.

...Respondents

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of CPC, to withdraw the M.A.C.O.P.No.278 of 2017 on the file of Special Sub Court for MCOP cases, Dindigul and transfer the same to Sub Court at Paramathi, Namakkal District.

For Petitioner : Mrs.Krishna Meyyammai

For R-1 : No Appearance

For R-2 : Ms.Velunachiyar



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ORDER

This transfer petition is filed seeking withdrawal and transfer of M.A.C.O.P.No.278 of 2017 on the file of Special Sub Court to MCOP cases, Dindigul to Sub Court at Paramathi, Namakkal District.

2. Heard Mrs.Krishna Meyyammai, learned Counsel for Petitioner and Ms.Velunachiyar, learned Counsel for 2nd Respondent.

3. Petitioner herein met with an accident on 02.12.2014 while travelling in a Ford Figo car bearing Registration No.TN 36 S 5666 along with his friend and daughter. It is stated that accident allegedly occurred due to rash and negligent driving of a Taurus lorry bearing Registration No. TN 67 AB 7299. An FIR in Crime No.695 of 2014 came to be registered for offence under Section 279 and 337 of IPC before Dindigul Taluk Police Station. Petitioner sustained multiple injuries and was initially treated at the Government Hospital, Dindigul, and thereafter at JCB Hospital, Chennai. It is stated that an Advocate had met the Petitioner on 03.12.2024 at Hospital and collected the case papers. Petitioner would



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state that certain sums were paid by the Advocate. However, thereafter there has not been any communication from the said lawyer. In the meanwhile, Petitioner came to understand that MCOP which was filed by Petitioner through the said Advocate was originally numbered as MCOP NO.93 of 2015 and renumbered as MCOP No.278 of 2017 and the same has been dismissed for default on 14.08.2019.

4. Aggrieved by the conduct of the Advocate, Petitioner lodged a complaint which was registered as Complaint No.330 of 2023 before the Bar Council of Tamil Nadu and Puducherry, however, it was summarily dismissed without referring it for any inquiry. Aggrieved, Petitioner preferred Revision Petition before the Bar Council of India under Section 48-A of the Advocates Act and the same is pending. Petitioner attempted to file Restoration Petition before Special Sub-Court, Dindigul which was returned by the Registry without numbering. In view of the fact that certain disciplinary action has been initiated by Petitioner are pending before the Bar Council of India, Petitioner feels insecure about appearing in person before the said Court and expressed apprehension over his safety. In such circumstances, Petitioner has moved this transfer petition.



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5. Ms.Velunachiyar, learned Counsel, on instructions from 2nd Respondent would submit though 2nd Respondent initially raised certain objections, he has ultimately expressed that he has no objection for transferring M.A.C.O.P.No.278 of 2017 from the file of Special Sub Court for MCOP cases, Dindigul to the file of Sub Court, Paramathi, Namakkal.

6. Insofar as Respondent No.1 is concerned, notice sent through Court and private notice has been returned with endorsement “Not known”. Petitioner thereafter sought permission of this Court to take substituted service on 1st Respondent. Pursuant thereto, this Court vide order dated 02.02.2026 ordered substituted service on the 1st Respondent, as the 2nd Respondent is already before this Court. In compliance, notice of the above Transfer Civil Miscellaneous Petition was duly published in respect of 1st Respondent in the Madurai Edition of “Malai Malar” daily newspaper on 03.02.2026. Though all steps has been duly taken by Petitioner to serve notice on 1st Respondent, he has not appeared either in person or through his Advocate before this Court. Hence, this Court is inclined to allow the transfer petition as prayed for.



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7. In view thereof, M.A.C.O.P.No.278 of 2017 pending on the file of Special Sub Court for MCOP cases, Dindigul, is hereby ordered to be withdrawn and transferred to the file of Sub Court, Paramathi, Namakkal District. Sub Court, Paramathi, Namakkal District, is directed to dispose of the aforementioned case expeditiously, preferably within a period of six months.

8. With the above observations, the Transfer Petition is **allowed**.
There is no order as to costs.

12.02.2026

Index:Yes/No
Web:Yes/No
Speaking/Non Speaking
Nsr

To:

- 1.The Special Sub Court for MCOP cases, Dindigul.
- 2.The Sub Court, Paramathi, Namakkal District.



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MOHAMMED SHAFFIQ, J.

Nsr

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