

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL APPLICATION No 296 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE K.A.PUJ

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

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KESHABHAI SOMABHAI THAKOR

Versus

AROHY MOTORS

Appearance:

MR NV GANDHI for Petitioner No. 1
MR NILESH M SHAH for Respondent No. 1
RULE SERVED for Respondent No. 2

CORAM : MR.JUSTICE K.A.PUJ

Date of decision: 30/04/2002

ORAL JUDGEMENT

The applicant, original-applicant in MACP No. 103/2001 pending before MACT, Gandhinagar, has filed this application under Section 24 of the Civil Procedure Code seeking transfer of the said MACP No. 103/2001 from MACT Gandhinagar to MACT at Nadiad. It was stated on behalf of the applicant that the applicant was engaged in agricultural activities and was travelling by rickshaw No. G.J. 7 V.9260 at about 3.00 p.m,. on 8.9.2000 near

Village Hariyana, Taluka Matar, District-Kheda and at that time one Eichar Tempo bearing Regn. No. M.H. 15 T.C. 165 of the ownership of opponent No.1 and insured with opponent No.2 rashly came from opposite side and dashed with the rickshaw in which the applicant was travelling. Thereafter the Claim Petition No. 103 of 2001 was filed before the Claims Tribunal at Gandhinagar. The applicant is the resident of District Nadiad/Kheda and it is very difficult for him to attend the court proceedings at Gandhinagar and hence he has moved the present petition for transfer of the said petition from Gandhinagar to Nadiad.

2. This Court has issued notice on 26.2.2002. Both the opponents were served. On behalf of opponent No.1 an affidavit-in-reply was filed objecting to the transfer of the said claim petition from Gandhinagar to Nadiad. No one is appearing on behalf of opponent No.2 Insurance Company.

3. After having heard Mr. Gandhi, ld. advocate for the petitioner as well as Mr. Shah, ld. advocate appearing on behalf of opponent No.1, I am of the view that the applicant is having a real and genuine difficulty in attending the Court proceedings at Gandhinagar and no prejudice will be caused to any one if the claim petition is transferred from Gandhinagar to Nadiad. Having regard to the facts and circumstances of the case and considering the arguments of both the sides as well as the application and reply, I direct the MACT at Gandhinagar to transfer the MACP No. 103 of 2001 to the MACT at Nadiad and the MACT at Nadiad shall proceed with the said claim petition filed by the present applicant/original-claimant.

4. With the above directions, the present application is disposed of. Rule is made absolute with no order as to costs.

rmr. [K.A. Puj, J.]