

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2017

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.CMP.Nos.69 & 70 of 2017  
and CMP.Nos.1544 & 1545 of 2017

1. S.Manivasagam ...Petitioner in Tr.C.M.P.No.69  
2017 and first petitioner in  
Tr.C.M.P.No.70 of 2017
2. Aakash
3. Harish ...Petitioners in Tr.C.M.P.No.  
69 of 2017

Versus

B.P.Prakash ...Respondent in both Tr.C.M.P.'s

Prayer in Tr.CMP.No.69 of 2017: Transfer Civil Miscellaneous  
Petition is filed under Section 24 of the Code of Civil  
Procedure, praying to direct the petitioner to withdraw the  
claim petition in M.A.C.T.O.P.No.163 of 2014 pending before the  
Hon'ble III Additional District and Sessions Court cum Motor  
Accident Claims Tribunal at Vridhachalam and transfer the same  
to Motor Accident Claims Tribunal at Chennai.

Prayer in Tr.CMP.No.70 of 2017: Transfer Civil Miscellaneous  
Petition is filed under Section 24 of the Code of Civil  
Procedure, praying to direct the petitioner to withdraw the  
claim petition in M.A.C.T.O.P.No.162 of 2014 pending before the  
Hon'ble III Additional District and Sessions Court cum Motor  
Accident Claims Tribunal at Vridhachalam and transfer the same  
to Motor Accident Claims Tribunal at Chennai.

For Petitioners : Mr.S.Suresh  
in both CMPs

For Respondents : No Appearance  
in both CMPs

C O M M O N O R D E R

These Transfer Civil Miscellaneous Petitions are filed by  
the petitioners, seeking to withdraw the claim petitions in  
M.A.C.T.O.P.Nos.162 & 163 of 2014, pending before the III  
Additional District and Sessions Court cum Motor Accident Claims  
Tribunal at Vridhachalam and transfer the same to Motor Accident

Claims Tribunal at Chennai.

2. It is stated in the affidavit filed in support of these petitions that the petitioner ( in Tr.C.M.P.No.69 of 2017 and the first petitioner in Tr.C.M.P.No.70 of 2017) was working as a car driver and he is permanent resident of Chennai. It is further stated that on 11.02.2014, while he was riding two wheeler with his wife as pillion rider towards Chidambaram from Karuvepillenkurichi, the car owned by the respondent bearing Registration No.TN-31-AR-0009 driven in a rash and negligent manner dashed against his vehicle and caused a major accident. Due to which, his wife died on 15.02.2014 and he sustained grievous injuries. It is further stated that the accident took place in Virudhachalam. It is stated that he was advised to file Motor Accident Claim Petition before the Claims Tribunal, Virudhachalam where the accident took place. As he did not have the knowledge he filed there. M.A.C.T.O.P.162 of 2017, is filed seeking compensation in respect of injuries sustained to him while the M.A.C.T.O.P.163 of 2017 is filed claiming compensation in respect of death of his wife. It is averred that due to the accident, he was disabled and cannot walk as before. It is also stated that the vehicle involved in the accident that is owned by respondent does not have insurance on the date of accident. It is further stated by the petitioners that as the petitioner ( in Tr.C.M.P.No.69 of 2017 and the first petitioner in Tr.C.M.P.No.70 of 2017) filed M.A.C.T.O.P's at Vridhachalam but subsequently it can be filed even in Chennai as the petitioner ( in Tr.C.M.P.No.69 of 2017 and the first petitioner in Tr.C.M.P.No.70 of 2017) is permanent resident of Chennai and hence these transfer civil miscellaneous petitions were filed.

4. As the claim of the petitioner is reasonable, this Court feels it appropriate to withdraw M.A.C.T.O.P Nos.162 and 163 of 2014, from the file of III Additional District and Sessions Court cum Motor Accident Claims Tribunal Vridhachalam, and transfer the same to Motor Accident Claims Tribunal at Chennai.

5. Accordingly, transfer Civil Miscellaneous Petition is allowed. The MACTOP.Nos.162 & 163 of 2014, pending on the file of the III Additional District and Sessions Court cum Motor Accident Claims Tribunal, Vridhachalam is withdrawn and transferred to Motor Accident Claims Tribunal at Chennai. No costs. Consequently, connected Miscellaneous Petitions are closed.

-sd/-

Assistant Registrar

/ TRUE COPY /

Sub-Assistant Registrar

raja/arr

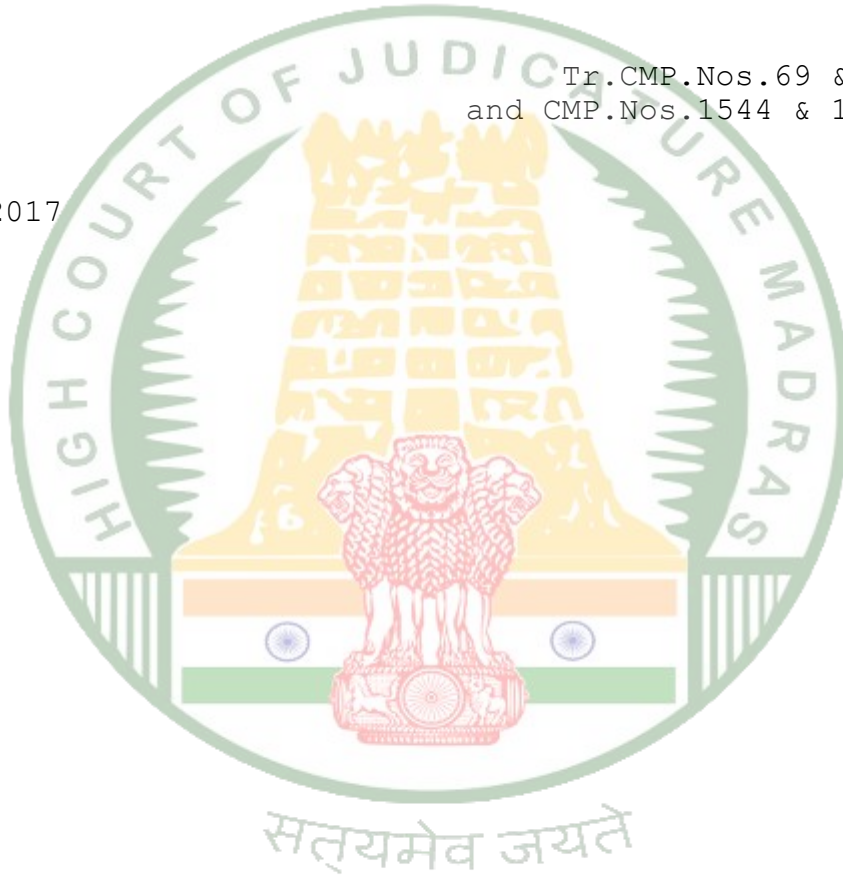
To

1. The III Additional District and Sessions Court cum Motor Accident Claims Tribunal at Vridhachalam.
2. The Motor Accident Claims Tribunal, Chennai.

+1 cc to MR.S.SURESH Advocate SR.NO. 77725

Tr.CMP.Nos.69 & 70 of 2017  
and CMP.Nos.1544 & 1545 of 2017

RD 27/11/2017



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