

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

FRIDAY, THE THIRTY FIRST DAY OF MARCH
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE SAMBASIVARAO NAIDU

TRANS. CIVIL MISC.PETITION NO: 95 OF 2023

Between:

1. Aligoju Laxmi, W/o.Late A. Krishna, Aged about 46 years, Occ. Houswife, R/o.H.No.8-117, Brook Bond Colony, Ghatkesar, Ranga Reddy District, Presently Residing at C/o.Konda Viswanatham, S/o. K.Subrahmanya, H.No.1-1-102, Plot No.18/1, Mohannagar, Srungeri Colony, L.B.Nagar, Ranga Reddy District.
2. Aligoju Gowri Shankar, S/o. Late A. Krishna, Aged about 17 years, Occ. Student, R/o.H.No.8-117, Brook Bond Colony, Ghatkesar, Ranga Reddy District, Presently Residing at C/o. Konda Viswanatham, S/o. K.Subrahmanya, H.No.1-1-102, Plot No.18/1, Mohannagar, Srungeri Colony, L.B.Nagar, Ranga Reddy District.

...PETITIONERS/PETITIONERS

AND

1. Narsimha Thandra, S/o.not known to the petitioners Aged . Major, Occ. Owner of the Vehicle, R/o.3-42, Thukkuguda, Maheshwaram, Ranga Reddy District.
2. K. Babu, S/o. K. Narsimha, Aged. Major, Occ. Driver, R/o.HNo.7-20/3, Imamuguda, Srinagar, Maheshwaram, Ranga Reddy District.
3. Shriram General Insurance, Rep.by its Signatory Authority, Sai Datta Arcade, H.No.3-6-517, Flat No.401-403, 4th floor, Street No.6, Sai Vihar, Himayathnagar, Hyderabad. Policy No.10003/31/16/477936 Policy valid from 03-01-2016 to 2-01-2017

...RESPONDENTS

Petition Under Section 24 of the C.P.C. Praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to withdraw the M.V.O.P.No.115 of 2021 from the court of the I Additional District Judge, at Malkajgiri and transfer the same to the court of the Motor Accidents Claim Tribunal-cum-IV Additional District Judge, R.R. District at L.B.Nagar

Counsel for the Petitioners: SRI. P. RAM MOHAN

Counsel for the Respondents: NONE APPEARED

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE SAMBASIVA RAO NAIDU
TRANSFER CIVIL MISCELLANEOUS PETITION No.95 OF
2023

ORDER:

This petition is filed by the petitioner Nos.1 and 2 under Section 24 of C.P.C. with a prayer to transfer M.V.O.P.No.115 of 2021 from I Additional District Judge, Malkajgiri to IV Additional District judge, Ranga Reddy District. The petitioners herein have filed a petition seeking compensation on account of death of husband of 1st petitioner herein before the IV Additional District Judge, Ranga Reddy District which was registered as M.V.O.P.No.633 of 2021.

2. As could be seen from the affidavit filed by the petitioners, the said petition was filed on account of death of husband of petitioner No.1 in a motor vehicle accident that took place on 26.01.2016 on the National Highway situated at Ghatkesar. However, the above said M.V.O.P.No.633 of 2021 was subsequently transferred to I

Additional District Judge, Malkajgiri and renumbered as M.V.O.P.No.115 of 2021.

3. The petitioners have claimed that the Court at Malkajgiri is at a distance of 50 K.M. from the place where the petitioners are residing. The 1st petitioner is chronic diabetic patient and undergoing dialysis regularly. Since the bread winner of the family passed away in a road accident, the petitioners are facing hardship and facing financial crises. The Court at Ranga Reddy is very close to the residence of the petitioners. If they are suppose to attend the Court at Malkajgiri, it would be very difficult for them to travel, thereby they prayed for transfer of M.V.O.P. from the I Additional District Judge's Court at Malkajgiri to the Court of MACT-cum-IV Additional District Judge, Ranga Reddy District at L.B.Nagar.

4. Notices were ordered to the respondents before admitting the petition. Proof of service filed. Non appeared on behalf of the respondent.

5. Heard learned counsel for the petitioners.

6. Now the point for consideration is:

Whether there are grounds for transfer of M.V.O.P.No.115 of 2021 from the file of I Additional District at Malkajgiri to the file of IV Additional District Judge, Ranga Reddy District at L.B.Nagar, as prayed for ?

7. **POINT:**

As per the amended provisions of Motor Vehicle Act, road accident victims can file a petition seeking compensation at any place where they are residing. Here in this case, the petitioners being residents of Ranga Reddy District filed the above referred original petition before IV Additional District Judge, Ranga Reddy, but the same was transferred on account of formation of new districts and now it is pending before I Additional District Court at Malkajgiri. As rightly claimed by the petitioners herein, the 1st petitioners being a widow/housewife without having any separate income and the 2nd petitioner who is aged about 17 years who is a student, will have to face hardship and financial problems for attending the Court at Malkajgiri. Since both the Courts are within the limits of Greater

Hyderabad Municipal Corporation limits of Hyderabad, it may not be difficult for the respondents to contest the case.

In fact, the respondents who were served with notices, remained absent before the Court. Therefore, taking the above situations into consideration, the request of the petitioners is accepted.

8. **In the result**, the petition is allowed. As a consequence thereof, M.V.O.P.No.115 of 2021 on the file of I Additional District Judge, at Malkajgiri is withdrawn and transferred to the file of MACT-cum-IV Additional District Judge, Ranga Reddy at L.B.Nagar.

9. The concerned Court is hereby directed to transmit the entire case file, after duly indexed, within (4) four weeks from the date of receipt of this Order, under the intimation to the other side.

As a sequel, pending Miscellaneous Applications, if any, shall stand closed.

Sd/- N. CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The I Additional District Judge, at Malkajgiri
2. The Motor Accidents Claim Tribunal-cum-IV Additional District Judge, R.R. District at L.B.Nagar
3. One CC to SRI. P. RAM MOHAN, Advocate [OPUC]
4. Two CD Copies

HIGH COURT
DATED: 31/03/2023

ORDER

TRCMP.No.95 of 2023



TR.CMP
ALLOWING THE PETITION

6 Copies
MAY 10/23