
(2000) 04 SC CK 0069

In the Supreme Court Of India

Case No : Transfer Petition (Civil) No. 326 of 1999

Dolly Kantibhai Patel

APPELLANT

Vs

Ballu Tukaram Auhad and Others

RESPONDENT

Date of Decision : 07-04-2000

Acts Referred:

Citation : (2003) ACJ 227 : (2000) 9 JT 632 : (2001) 9 SCC 723 : (2001) 2 UC 17

Hon'ble Judges : R. P. Sethi, J;K. T. Thomas, J

Bench : Division Bench

Final Decision : Allowed

Judgement

K.T Thomas and R.P. Sethi, JJ.—Heard both sides.

2. A claim for compensation has been filed by this petitioner before the Motor Accident Claims Tribunal, Nasik (Maharashtra). The petitioner who sustained many injuries has gone back to United States thereafter where he was living earlier. This petition is for transferring the aforesaid claim from M.A.C.T. Nasik to Vadodara (Gujarat) on the ground that there is none else at Nasik to prosecute the claim on behalf of the injured petitioner. It is said that all the other occupants of the vehicle who were involved in the accident hailed from Vadodara (Gujarat) and the power of attorney holder of the petitioner is also a resident of Vadodara itself. The respondent - Insurance Company has its own branch office at Vadodara and, therefore, it would be convenient for the respondent for resisting the claim.

3. For these reasons, we deem it just and proper to allow the transfer prayed for. Accordingly, we order M.A.C.P. No. 499/1993 titled as Dolly Kantibhai Patelv. Balu Tukaram Auhad and Ors. Pending before the M.A.C.T. Nasik (Mah.) to be transferred to the Principal M.A.C.T. Vadodara. The application for impleading legal heirs of respondent No. 2 can be followed up before the transferee court.

4. Hence this Transfer Petition is allowed.