

(2009) 06 MAD CK 0211

In the Madras High Court

Case No : Tr. C.M.P. No's. 56 and 57 of 2009

K. Thilagavathy and Another

APPELLANT

Vs

V. Purushothaman and Another

RESPONDENT

Date of Decision : 16-06-2009

Acts Referred:

Citation : (2010) ACJ 2363

Hon'ble Judges : K.K. Sasidharan, J

Bench : Single Bench

Advocate : P. Sesubalan Raja, for the Appellant; S.K. Krishnamoorthy, for the Respondent

Final Decision : Dismissed

Judgement

K.K. Sasidharan, J.—The petitioners in M.A.C.T.O.P. Nos. 2127 and 2122 of 2005 on the file of Third Judge, Motor Accidents Claims Tribunal at Chennai, are the petitioners in the transfer petitions.

2. Petitioners have filed M.A.C.T.O.P. Nos. 2127 and 2122 of 2005 before learned Third Judge, Motor Accidents Claims Tribunal at Chennai, claiming compensation on account of the injuries sustained by them in a motor accident on 24.12.2004. The petitioner in M.A.C.T.O.P. No. 2127 of 2005 is the wife of the petitioner in M.A.C.T.O.P. No. 2122 of 2005. The claim petitions were filed before the Motor Accidents Claims Tribunal, Chennai, as the petitioners were taking treatment from the hospital at Chennai. Petitioners are permanently residing at Thanjavur and after the treatment was over, they have gone back to their native place. According to petitioner in Tr. C.M.P. No. 56 of 2009, she is not in a position to move out of her residence on account of the injuries sustained in the accident. In any case, the Motor Accidents Claims Tribunal, Tanjore is also having jurisdiction to entertain the said matter as the petitioners are permanent resident of Thanjavur.

3. Motor Vehicles Act was amended and a provision was incorporated whereby it

is possible for the claimants to file a claim petition before the court within whose jurisdiction the claimants are residing. When Parliament in their wisdom has granted such a liberty to the claimants, I do not see any reason to deny the prayer to transfer the proceedings.

4. In the result, M.A.C.T.O.P. Nos. 2127 and 2122 of 2005 are withdrawn from the file of Third Judge, Motor Accidents Claims Tribunal at Chennai and both the claim applications are transferred to the District Court, Thanjavur, for disposal on merits and as per law.

5. The Tr. C.M.P. Nos. 56 and 57 of 2009 are ordered as indicated above. No costs. Consequently, connected miscellaneous petition is closed.