

(2012) 10 MAD CK 0028
In the Madras High Court
Case No : TR. CMP. (MD) . No. 200 of 2012

Meenakumari and Another	Vs	APPELLANT
Iyyer and Others		RESPONDENT

Date of Decision : 09-10-2012

Acts Referred:

Citation : (2013) 1 MLJ 943

Hon'ble Judges : C.S. Karnan, J

Bench : Single Bench

Advocate : G.R. Swaminathan, for the Appellant; R.R. Kannan and S. Muthal Raj, for the Respondent

Final Decision : Dismissed

Judgement

C.S. Karnan, J.—The short facts of the case are as follows:-

The petitioners herein has filed a claim petition in M.C.O.P. No. 842 of 2009 against the three respondents and have claimed compensation of a

sum of Rs. 10,00,000/- (Rupees Ten Lakhs only) stating that the first petitioner's husband viz., Pandiarajan had met with an accident on

18.11.2008 and succumbed to his injuries. In the said case, the respondents/contested parties had rendered appearance. At this stage, the first

petitioner had filed a transfer petition seeking withdrawal of the petition filed in M.C.O.P. No. 842 of 2009, on the file of the Motor Accident

Claims Tribunal, District Court, Coimbatore and transfer the same to the Sub Court cum Motor Accident Claims Tribunal, Paramakudi.

The learned counsel for the revision petitioners submits that when the deceased Pandiarajan and his family members were residing at Coimbatore,

he met with an accident and succumbed to his injuries. All four claimants are

residing at Chinnalapatti Village in Dindigul District. The learned counsel further submits that all the claimants are unable to travel from their native place at Coimbatore for attending this case. Hence, the learned counsel for the revision petitioner entreats the Court to transfer the said case. Learned counsel further submits that the fifth respondent/Insurance Company has no objection to transfer the case. Further if this Court transfers the claim case from Coimbatore to Paramakudi, the respondents will not be prejudiced. Learned counsel further submits that the current position of the claim case is in a trial stage.

2. On verifying the facts and circumstances of the case and arguments advanced by the learned counsel for the revision petitioner, this Court is of the view:-

(i) the claim case has been filed in the year 2009 and the said case is ready for trial.

(ii) At this stage, if this Court transfers the claim case from Coimbatore to Paramakudi, it will create multiple proceedings and further delay will be

caused and as such, the claimants will be put into hardship. Therefore, this Court is not inclined to allow the transfer of the said case. This Court

further directs the learned Motor Accident Claims Tribunal, District Court, Coimbatore to dispose the claim case in M.C.O.P. No. 842 of 2009,

on or before 21.12.2012, on topmost priority basis, on merits. This final order has been passed before serving notice on the respondents as the

interest of the respondents will not be prejudiced.

In the result, the above petition is dismissed with the above observations. Accordingly ordered.