



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 10.06.2015
CORAM

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P (MD) No.316 of 2014

and

M.P (MD) No.1 of 2014

Mrs.S.Vanitha

... Petitioner/Respondent

Vs.

1.Mr.K.E.Karuppaiah

2.Mrs.K.Kasthuri

... Respondents/Petitioners

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the G.W.O.P.No.2787 of 2014 from the file of Principal Family Court, Chennai and transfer to the file of District Court, Dindigul to be tried along with G.O.P.No.63 of 2014.

For Petitioner : Mr.S.Anand Chandrasekar
for M/s.Sarvabhauman Associates

For Respondents : Mr.N.Sathish Babu

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in G.W.O.P.No.2787 of 2014 from the file of Principal Family Court, Chennai and transfer to the file of District Court, Dindigul, to be tried along with G.O.P.No.63 of 2014.

2. According to the petitioner, she has filed G.O.P.No.63 of 2014 before the District Court, Dindigul, for custody of her minor son. After receipt of notice, the respondents filed G.W.O.P.No.2787 of 2014 before the Principal Family Court, Chennai. The petitioner has stated that the distance between the Dindigul and Chennai is more than 400 kms and it is very difficult for her to travel for each and every hearing to attend the Court at Chennai.

3. The respondents filed counter affidavit denying the averments made by the petitioner. The respondents stated that the petitioner has forcibly taken the custody of the minor child from the School at Chennai, where the said minor child was studying. Now, the minor child is with the petitioner. In view of this fact, the petitioner withdrew G.O.P.No.63 of 2014 filed by her before the Principal District Court, Dindigul, for custody of the child.

4. The respondents filed H.C.P.No.212 of 2014 before the Principal Bench of this Court. The said HCP was closed with a direction to the respondents to seek their remedy before the competent Court. The second respondent underwent three operations and she is in continuous treatment. The first respondent has also got hypertension. Therefore, they will not be in a position to travel from Chennai to Dindigul, to attend the hearing at Dindigul.



5. Heard the learned counsel for the petitioner and the respondent.

6. The petitioner has taken the custody of the minor child and withdrawn G.O.P.No.63 of 2014, filed by her. The respondents are aged persons and they have expressed their difficulty to travel from Chennai to Dindigul. In view of the withdrawal of G.O.P.No.63 of 2014 and considering the age of the respondents, this is not a fit case, for transfer.

7. In view of the above facts, this petition is dismissed. No costs. Consequently, connected M.P.(MD)No.1 of 2014 is dismissed.

Sd/-

Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar

To
The Principal Family Court,
Chennai.

+1cc to M/s.Sarvabhauman Assocaites,SR.No.29642

+1cc to Mr.N.Sathish Babu,Advocate SR.No.29716

Tr.C.M.P. (MD)No.316 of 2014
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