



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.06.2015

CORAM:

WEB COPY

THE HONOURABLE MS.JUSTICE V.M. VELUMANI

Tr.C.M.P.(MD).No.141 of 2015 and
M.P.(MD).No. 1 of 2015S. vadivel : Petitioner
Vs.

A. Danalakshmi : Respondent

Prayer: This Transfer CMP is filed under Section 24 of CPC praying to withdraw the case in GWOP.No.22 of 2014 on the file of the Family court, Madurai and transfer the same to the file of the Family Court, Dindigul.

For Petitioner : Mr. J. Lawrance
For Respondent : Mr. B. Jayakumar

O R D E R

This petitioner, who is the respondent in GWOP.No.22 of 2014 filed this petition, to transfer the case in GWOP.No.22 of 2014 from the file of the Family Court, Madurai to Family Court, Dindigul.

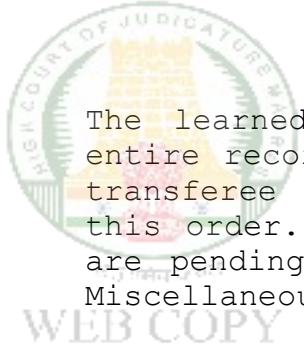
2. The petitioner herein is the husband and the respondent is the wife. The marriage was solemnized between the petitioner and the respondent on 10.04.2011 and the same was registered before the authorities concerned. A male child was born on 27.08.2012, in the wedlock. It is seen from the affidavit filed in support of this petition that various judicial and legal proceedings are pending against the petitioner and the respondent. The respondent has filed the above GWOP.No.22 of 2014, before the Family Court, Madurai, seeking custody of minor child viz., Dhasvanth.

3. The petitioner is a physically challenged person and he is working as Computer Operator, on temporary basis, at Athur, Panchayat Union Office. The petitioner seeks to transfer this GWOP on two grounds viz., (I) the petitioner being a physically challenged person, he is not able to travel from Athur to Madurai, for each and every hearing without the help of others (ii) the petitioner is doing temporary job and therefore, he is not able to take leave frequently. Now, the custody of the minor child with the petitioner at Chinnalapatti. The reasons given by the petitioner is valid and reasonable.

4. Heard the learned counsel appearing for both parties.

5. Admittedly, the petitioner is physically challenged person and he is not able to take leave often to attend each and every hearing, therefore, I am of the view that the petition filed by the petitioner is liable to be allowed.

6. Accordingly, the Transfer CMP is allowed and the GWOP.No. Of 22 of 2014 pending on the file of the Family Court, Madurai, is ordered to be withdrawn and transferred to the file of the Family Court, Dindigul.



The learned Family Court Judge, Madurai, is directed to transmit the entire records pertaining to the case in GWOP.No. Of 22 of 2014 to the transferee Court, within a week from the date of receipt of a copy of this order. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

The Assistant Registrar(crl.side)

/True copy/

Sub-Assistant Registrar

To

1. The Family Court, Dindigul.
2. The Family Court, Madurai

Copy to: The Section Officer,

V.R. Section,

Madurai Bench of Madras High court, Madurai.

Trp

Sm:25.06.2015:2P/4C

Tr.C.M.P. (MD) .No.141 of 2015 and
M.P. (MD) .No. 1 of 2015
08.06.2015