

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP Nos.285 and 286 of 2016 and

CMP.Nos.7802 and 7803 of 2016

R.Viji ....Petitioner in both petitions

versus

Ramakrishnan Prabhu ...Respondent in both petitions

PRAYER: Tr.C.M.P.No.285/2016 filed under Section 24 of C.P.C., to withdraw and transfer GWOP No.8 of 2015 on the file of Family Court, Salem and transfer to Additional District Court, Krishnagiri at Hosur.

Tr.C.M.P.No.286/2016 filed under Section 24 of C.P.C., to withdraw and transfer FCOP No.19 of 2015 on the file of Family Court, Salem and transfer to Additional District Judge, Krishnagiri.

For Petitioner : Mr.P.Tamilavel

For Respondent : No appearance

C O M M O N O R D E R

These two transfer petitions are filed seeking withdrawal of the proceedings in GWOP No.8 of 2015 and FCOP No.19 of 2015 on the file of Family Court at Salem and transfer the same to the file of Additional District Court at Krishnagiri.

2. Heard the learned counsel for the petitioner. None appears for the respondent in spite of printing his name in the cause list after service.

3. The respondent initiated proceedings in FCOP No.19 of 2015 before the Family Court at Salem, praying for a decree under Section 9 of the Hindu Marriage Act. The respondent instituted another proceedings in GWOP No.8 of 2015 before the Family Court at Salem, praying for an order to give him the custody of the minor.

4. The petitioner is a resident of Hosur in the district of Krishnagiri. According to the petitioner, it would not be possible for her to travel all along from Hosur to Salem along with her minor child for the purpose of defending the proceedings in GWOP No.8 of 2015 and FCOP No.19 of 2015.

5. Section 9 of the Guardian and Wards Act provides that proceedings for appointment of guardian shall be filed before the District Court in whose jurisdiction the child is residing.

6. In the present case, the child is residing with the petitioner at Hosur in the district of Krishnagiri. The petitioner is therefore perfectly correct in her contention that GWOP No.8 of 2015 requires to be transferred to Krishnagiri. The proceedings in FCOP No.19 of 2015 is also to be transferred to the District Court at Krishnagiri, in view of the difficulties projected by the petitioner. There is nothing on record to suspect the bonafides in filing these two transfer petitions. I am therefore of the view that the transfer petitions deserve to be allowed.

7. The proceedings in G.W.O.P.No.8 of 2015 and FCOP No.19 of 2015 are withdrawn from the file of Family Court, Salem and are transferred to the file of District Court, Krishnagiri, for disposal on merits.

8. The Transfer Civil Miscellaneous Petitions are allowed as indicated above. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-  
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

svki

To

1.The Judge,  
Family Court, Salem

2.The District Judge,  
Krishnagiri

2 ccs to Mr.P. Tamilavel, advocate, Sr. 66925, 66824

Transfer CMP Nos.285 and 286 of 2016

VD (CO)  
kk 29/12