

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.582 of 2016
and
CMP.No.15876 of 2016

Loosiya

...Petitioner

versus

Jerome Charles Michel

...Respondent

PRAYER: Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw and transfer GWOP No.152 of 2016 on the file of District Judge, Kanyakumari at Nagercoil to transfer to District Court, Namakkal.

For Petitioner : Mr.P.Tamilavel

For Respondent : Mr.R.Karthikeyan

O R D E R

The respondent initiated proceedings in GWOP No.152 of 2016 before the District Court, Kanyakumari at Nagercoil. The petitioner, who is a resident of Namakkal District is before this Court with a request to transfer the proceedings.

2. Heard the learned counsel for the petitioner and the learned counsel on behalf of the respondent.

3. The proceedings initiated by the respondent invoking the provisions of Guardians and Wards Act is pending before the District Court at Kanyakumari.

4. Section 9 of the Guardians and Wards Act provides that the proceedings for appointment of guardian must be instituted before the Court, where the minor is residing.

5. There is no dispute that the minor is residing along with the petitioner at Paramathivelur Taluk in the district of Namakkal. Therefore, the Court at Namakkal alone has got jurisdiction to entertain the guardian original petition. I am

therefore of the view that the transfer petition deserves to be allowed.

6. The proceedings in G.W.O.P.No.152 of 2016 is withdrawn from the file of District Court, Kanyakumari at Nagercoil and is transferred to the file of District Court, Namakkal, for disposal on merits.

7. The Transfer Civil Miscellaneous Petition is allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

svki

To

1.The District Court,
Kanyakumari at Nagercoil.

2.The District Court,
Namakkal.

+1cc to Mr.R.Karthikeyan, Advocate, S.R.No. 69759

+1cc to Mr.P.Tamilavel, Advocate, S.R.No. 69474

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Transfer CMP No.582 of 2016

VD (CO)
PSI (28/12/2016)