

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.588 of 2016 and

CMP.No.16154 of 2016

Sharmila Velrajan

...Petitioner

versus

Senthilathiban Tholandi Sanakaralingam

...Respondent

PRAYER: Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw G.W.O.P.No.14 of 2015 pending on the file of District Court at Chengalpet and transfer the same to the Family Court at Salem.

For Petitioner : Mr.A.G.Narasimman
For Respondent : No appearance

O R D E R

The respondent initiated proceedings in GWOP No.14 of 2015 before the District Court at Chengalpet. The petitioner, who is the mother of the minor is before this Court with this petition for transfer.

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

3. The respondent initiated proceedings invoking the provisions of Guardians and Wards Act before the District Court at Chengalpet. The minor is presently residing along with the petitioner at Salem.

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. Therefore, the Court at Salem alone has got jurisdiction to entertain the guardian original petition. I am therefore of the view that the transfer petition deserves to be allowed.

5. The proceedings in G.W.O.P.No.14 of 2015 is withdrawn from the file of District Court, Chengalpet and is transferred to the file of Family Court, Salem, for disposal on merits.

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

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

svki

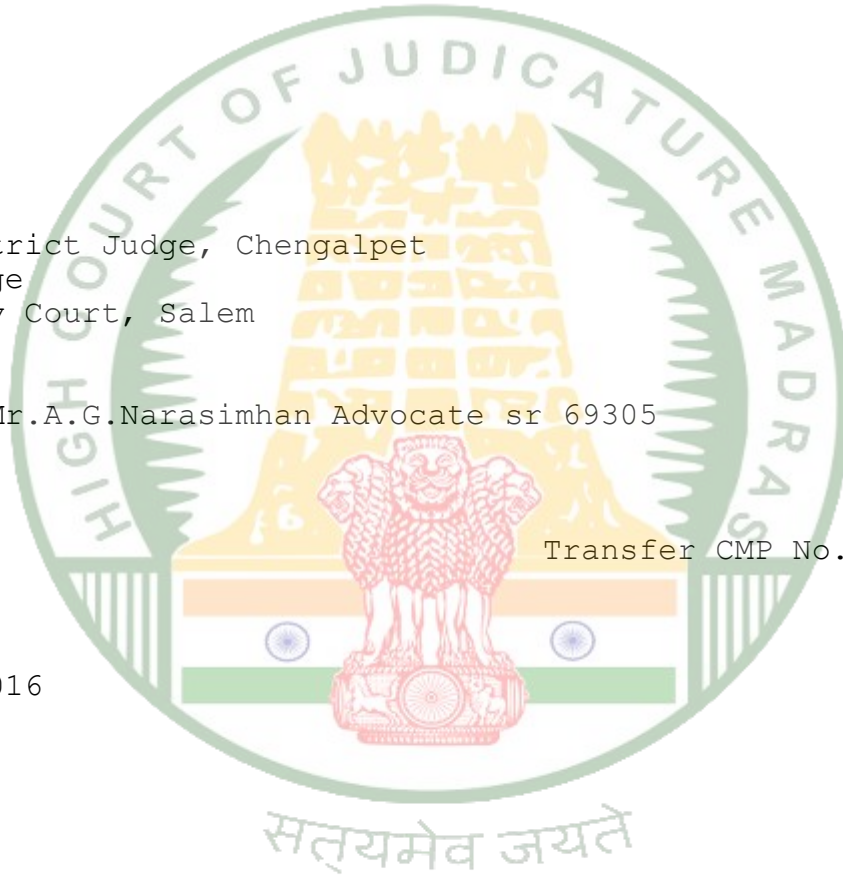
To

1.The District Judge, Chengalpet
2.The Judge
The Family Court, Salem

+1 cc to Mr.A.G.Narasimhan Advocate sr 69305

Transfer CMP No.588 of 2016

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