



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :15.03.2016

CORAM

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

TR.C.M.P(MD)No.283 of 2015

and

M.P(MD)Nos.1 & 2 of 2015

1.A.Mohamed Hussain

2.Megarunisa Begum

.. Petitioners

Vs.

B.A.Mujeeb Ahmad

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 r/w 151 of Civil Procedure Code to withdraw the case in G.O.P.No.108 of 2015 on the file of the Principal District Judge, Cuddalore and to transfer the same to the file of Principal District Court, Trichy.

For Petitioners

: Mr.P.Siva Chandran

For Responden

: Mr.R.Karunanithi

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in G.O.P.No.108 of 2015, on the file of the Principal District Court, Cuddalore and transfer the same to the file of Principal District Court, Trichy.

2.The petitioners are grand parents of minor M.S.Afsiya Begum. The respondent is the father of the minor. The petitioner's daughter namely Sahira Banu married the respondent on 06.10.2011. A male child was born on 10.08.2012. Subsequently, due to Jaundice, the petitioner's daughter Sahira Banu died.

3.According to the petitioner, the custody of the minor child is with the petitioners. The respondent by using force tried to take the child from the petitioners. The same was prevented by the petitioners and they gave a complaint before the Inspector of Police, Thiruverambur on 18.07.2015. Now, the respondent filed G.O.P.No.108 of 2015, on the file of the Principal District Court, Cuddalore for want of custody of the minor M.S.Afsiya Begum. The petitioners are aged persons and their grand daughter is studying in Sharp Genius, School, Trichy and it is very difficult for them to travel from Trichy to Cuddalore along with



child and further there is a life threat and prayed for allowing the Transfer Civil Miscellaneous Petition.

4.The respondent filed counter affidavit along with petition to vacate the interim stay made various allegations on merits. The main contention of the respondent for opposing the transfer application is that the respondent is physically challenged person and it is very difficult for him to travel from Cuddalore to Trichy.

5.I have heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent and also perused the entire materials on record.

6.Both the petitioners and respondent alleged that it will be difficult for them to travel from their place to other place. In addition to that, the petitioners are stating that the respondent is influenced person and there is a life threat and minor child is studying in L.K.G., at Trichy. The minor is in the custody of the petitioners. The only difficult expressed by the respondent that he is a physically challenged persons, it will be difficult for him to attend the Court proceedings The transfer is sought to Principal District Court, Trichy and the respondent need not appear for each and every hearing and he can appear through Advocate and his appearance is necessary only at the time of trial or if so desire by the Court.

7.Taking into consideration of this facts and age of the petitioners and the fact that the minor is in their custody at Trichy and in the interest of justice, this Transfer Civil Miscellaneous Petition is allowed and G.O.P.No.108 of 2015 on the file of the Principal District Court, Cuddalore, is hereby withdrawn and transferred to the file of the Principal District Court, Trichy. The learned Principal District Judge, Cuddalore, is directed to send the case bundles to the Principal District Court, Trichy, immediately. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, M.P(MD)Nos.1 & 2 of 2015 are closed.

Sd/-

Assistant Registrar (AE)

/True copy/

Sub Assistant Registrar

To

1.The Principal District Court,
Cuddalore.

<https://hcservices.ecourts.gov.in/hcservices/>

2.The Principal District Court,
Trichy.



3. The Section Officer,
V.R.Section,
The Madurai Bench of Madras High Court,
Madurai

+1 CC to Mr.P.Sivachandran, Advocate, SR No.14675

+1 CC to Mr.R.Karunanithi, Advocate, SR No.14369

AM

JAM/SK-SKN/22.03.2016/3P-6C

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