



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2016

CORAM:

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.310 of 2015

and M.P(MD)No.1 of 2015

WEB COPY

1.D.Lawrence

2.L.Sagaya Mary

... Petitioners/Respondents

Vs.

Ugine

... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 r/w 151 of C.P.C., to withdraw the case on the file of the learned II Additional District Judge, Tiruchirappalli in G.W.O.P.No.7 of 2015 and transfer the same to the learned District Judge, Pudukkottai to try along with the case in G.W.O.P.No.23 of 2015.

For Petitioners : Mr.D.Rameshkumar

O R D E R

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in G.W.O.P.No.7 of 2015, on the file of the II Additional District Judge, Tiruchirappalli and transfer the same to District Judge, Pudukkottai to try along with the case in G.W.O.P.No.23 of 2015.

2.The petitioners are maternal grand parents of the minor female child namely, U.Lency Christy. The petitioners' daughter married to the respondent on 08.04.2012. In the wedlock, the petitioners' daughter gave birth to a female child on 03.07.2013. However, during delivery, the petitioner's daughter died. After the death of the petitioners' daughter, the petitioners are taking care of the female child and the respondent, who is working in defence at Ferozepur, did not take care of the child and he married a woman viz., Jennifer on 14.07.2014. In the mean time, the respondent filed a petition in G.W.O.P.No.7 of 2015 before the II Additional District Judge, Tiruchirappalli, seeking the custody of the minor child. Thereafter, the 1st petitioner herein filed a petition in G.W.O.P.No.23 of 2015 before the learned District Judge, Pudukkottai to declare him as a guardian of the minor child.

3.According to the petitioners, on receipt of the notice in G.W.O.P.No.23 of 2015, the respondent came to the house of the petitioners, assaulted them and forcibly taken away the minor child. In this regard, the petitioners gave a complaint before the Mathur Police Station, Pudukkottai District on 01.05.2015. Based on the complaint, a case in Crime No.58 of 2015 has been registered and the same is pending. The respondent is an influential person, there is a life threat to the petitioners.



4.The learned counsel for the petitioners submitted that during the pendency of the present Transfer Civil Miscellaneous petition, the petition in G.W.O.P.No.23 of 2015 filed by the petitioners are allowed, declaring the petitioners as guardian to the minor female child.

5.Even though notice was served on the respondent and his name is printed in the cause list, there is no representation.

6.Considering the allegations of the petitioners that the respondent has forcibly took away the child from the custody of the petitioners and also considering the fact that there is a criminal case pending against the respondent, the petition in G.W.O.P.No.7 of 2015 pending before the II Additional District Court, Tiruchirappalli is hereby withdrawn and transferred to the file of the District Court, Pudukkottai, if the same is not yet disposed of. The learned II Additional District Court, Tiruchirappalli is directed to send the case bundles in G.W.O.P.No.7 of 2015 to the District Court, Pudukkottai. No costs. Consequently, connected M.P.is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To

- 1.The Judge, District Court, Pudukkottai
- 2.The II Additional District Judge, Tiruchirappalli.

nbj
RL/3C/2P/DP/PM/18/5/2016

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01/04/2016