

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2017

CORAM :

THE HONOURABLE Ms. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.399 of 2017
and CMP.No.7921 of 2017

V.Malar @ Jothimalar

... Petitioner

Vs.

Shankar Marimuthu

... Respondent

Prayer:- Petition filed under Section 24 of C.P.C., to withdraw the G.W.O.P.No.4750 of 2013 on the file of the I Additional Judge, Family Court, Chennai and transfer it to the Principal District and Sessions Court, Thoothukudi.

For Petitioner : Mr.V.Raghavachari

For Respondent : Mr.G.Saibaba

O R D E R

This petition is filed to withdraw the proceedings in G.W.O.P.No.4750 of 2013 pending on the file of the I Additional Judge, Family Court, Chennai and transfer it to the Principal District and Sessions Court, Thoothukudi.

2. The petitioner is the wife and respondent is the husband. Marriage between the petitioner and respondent was conducted on 25.08.1999 as per Hindu rites and customs. Due to difference of opinion between the petitioner and respondent, they are living separately. Thereafter, both the petitioner and the respondent filed a petition seeking divorce on mutual consent and the same was decreed on 08.11.2011. As per the consent decree, the respondent has allowed the petitioner to take the children in her custody. In the mean time, the respondent filed a petition in G.W.O.P.No.4750 of 2013 seeking for custody of the children on the file of the I Additional Family Court, Chennai and the same is pending.

3. According to the petitioner, the distance between Chennai and Thoothukudi is 600 kms and hence, being a woman, it is very difficult for her to travel from Thoothukudi to Chennai, to attend the hearing. Therefore, the petitioner prays that the petition in G.W.O.P.No.4750 of 2013 may be withdrawn from the

file of I Additional Judge, Family Court, Chennai and transferred to the file of the Principal District and Sessions Court, Thoothukudi.

4. Learned counsel for the respondent submitted that the respondent has no objection to transfer the case as sought for by the petitioner and he has also made an endorsement to that effect.

5. Recording the endorsement made by the learned counsel for the respondent, without deciding the issue on merits, the petition in G.W.O.P.No.4750 of 2013 is ordered to be withdrawn from the file of the I Additional Judge, Family Court, Chennai and transferred to the file of the Principal District and Sessions Court, Thoothukudi. The I Additional Judge, Family Court, Chennai, is directed to transmit all the records pertaining to G.W.O.P.No.4750 of 2013 to the file of the Principal District and Sessions Court, Thoothukudi, within a period of two weeks from the date of receipt of a copy of this order.

6. Accordingly, this Transfer Civil Miscellaneous petition is ordered. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

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To:

1. The I Additional Judge, Family Court, Chennai.
2. The Principal District and Sessions Judge, Thoothukudi.

+3cc to Mr.Saibaba, Advocate in sr.no.43813

Tr.C.M.P. No.399 of 2017
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PA(CO)
NR 10/07/2017

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