

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2017

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

Tr.CMP.No.431 of 2015

and

M.P.No.1 of 2015

Malathi

... Petitioner

Versus

Elladurai

.... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw G.W.O.P.No.15 of 2014 from the file of District Court, Coimbatore and transfer the same to the file of District Court, Tiruppur.

For Petitioner : Mr.T.Ganesan

For Respondent : No respondent

O R D E R

This Transfer Civil Miscellaneous Petition is filed by the wife/petitioner herein, seeking transfer of G.W.O.P.No.15 of 2014 from the file of District Court, Coimbatore, to the file of District Court, Tiruppur.

2. The matter is relating to the custody of M.Dharshan, granted to the parties according to law. It is stated in paragraph 3 of the affidavit filed in support of this petition that H.M.O.P.No.1022 of 2012 was filed by the husband/respondent for divorce. The decree of divorce was granted on 31.07.2013. Thereafter, the wife/petitioner herein had married again one Mohankumar and living in Udumalpet, Tiruppur District.

3. It is further stated in the affidavit, that the petitioner/wife has also got a female child born out of the second marriage. Admittedly, Minor M.Dharshan, is in the custody of the petitioner/wife. The respondent filed G.W.O.P.No.15 of 2014 before the District Court, Coimbatore, for the custody of his child M.Dharshan. Therefore, the petitioner/wife has filed the present petition seeking transfer of the same to the file of District Court, Tiruppur. She has also expressed her difficulty in traveling from Udumalpet to Coimbatore for each of the hearing by carrying two children aged 3 years and 4 months.

4. Though notice has been served to the respondent as early as on 20.06.2017, he has not appeared either in person or through counsel.

5. Considering the above facts, this Court is inclined to transfer G.W.O.P.No.15 of 2014 from the file of District Court, Coimbatore, to the file of District Court, Tiruppur.

6. Accordingly, this Transfer Civil Miscellaneous Petition is allowed, and the proceedings pending in G.W.O.P.No.15 of 2014 on the file of District Court, Coimbatore, is withdrawn and transferred to the file of District Court, Tiruppur. No Costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

raja

To

1. The District Judge,
Coimbatore.

2. The District Judge
Tiruppur.

+1 cc to Mr.T.Ganesan Advocate sr 91588

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nm(co)
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