

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09-06-2017

CORAM :

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P.No.201 of 2013
and M.P.No.1 of 2013

Abitha Begum

... Petitioner

Vs.

G.M.Mohamed Navas

... Respondent

Petition filed under Section 24 (1) (b) of the Civil Procedure Code, to withdraw the proceedings in GWOP No.255/2012 pending in the Court of Principal District Judge at Chengalpet and transfer the same for trial or disposal to the Principal Judge of Family Court at Madras.

For Petitioner : O.R.Abdul Kalam

O R D E R

This transfer petition is filed to withdraw the proceedings in GWOP No.255/2012 pending in the Court of Principal District Judge at Chengalpet and transfer the same for trial or disposal to the Principal Judge of Family Court at Madras.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 25.02.2005 as per Islamic rites and customs. Two male children by name Salman and Mohammed Shameer were born in the wedlock, on 01.02.2006 & 07.12.2009 respectively. Due to difference of opinion, the respondent filed G.W.O.P.No.255 of 2012 for custody and appointment of respondent as guardian of minor children and the same is pending before Principal District Court, Chengalpet.

3. According to the petitioner, she is residing at Velachery and the minor children are also residing with her. Both the minor sons are studying in a school at Velachery. Without there being any cause of action, the respondent has filed G.W.O.P.No.255 of 2012 before the Principal District Court, Chengalpet, only to harass the petitioner. Being a lady, it is very difficult for her to attend each and every hearing

before Principal District Court, Chengalpet along with her minor children. She is not having any independent income and is depending on her parents for her day-to-day expenses, including the travelling expenses. In these circumstances, she has come out with the present Transfer Civil Miscellaneous Petition.

4. Though notice has been served on the respondent and the respondent had entered appeared through counsel, there is no representation for the respondent.

5. Taking into consideration the contention of the learned counsel for the petitioner that minor sons are studying in a School at Velachery and residing within the jurisdiction of the Family Court, Chennai and for the convenience of the parties, the petition in G.W.O.P.No.255 of 2012 is ordered to be withdrawn from the file of Principal District Court, Chengalpet and transferred to the file of the Family Court, Chennai.

6. The Presiding Officer, Principal District Court, Chengalpet is directed to transmit all the records pertaining to G.W.O.P.No.255 of 2012 to the file of the Family Court, Chennai, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the records, the Presiding Officer, Family Court, Chennai, is directed to dispose of the case, as expeditiously as possible, in any event, not later than 30th September 2017.

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

Sd/-

Assistant Registrar

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

rgr

To

1.The Principal District Judge,
Chengalpet.

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2.The Principal Judge, Family Court,
Chennai.

Tr.C.M.P.No.201 of 2013

MG (CO)
VR (22/06/2017)



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