

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.282 of 2016
and C.M.P.No.7694 of 2016

1.Padavattaan
2.Kanaga
3.Kothai

... Petitioners

Vs.

K.Chandra

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw and transfer the case in G.W.O.P.No.4613 of 2015 on the file of the II Additional Family Court, Chennai, to the Family Court, Chengalpet.

For Petitioners : Mr.R.Sreerangan

For Respondent : Mr.V.Raghavachari

O R D E R

This petition is filed to withdraw and transfer the case in G.W.O.P.No.4613 of 2015 on the file of the II Additional Family Court, Chennai, to the Family Court, Chengalpet.

2. The petitioners are the respondents and respondent is the petitioner in G.W.O.P.No.4613 of 2015 on the file of the II Additional Family Court, Chennai. The respondent filed G.W.O.P.No.4613 of 2015 for appointing the respondent as guardian of the minor child by name, Shyam, aged about four years, for person and property and for a direction to the petitioners 1 and 2 to hand over the custody of minor child Shyam to the respondent. The marriage between third petitioner and son of the respondent was conducted on 09.03.2010 as per Hindu rites and customs. In the wed lock, a male child by name Shyam was born on 17.04.2011. The husband of the third petitioner died on 05.06.2012. After the death of her husband, the third petitioner was thrown out by the respondent from the matrimonial home and she is residing with her parents, who are the petitioners 1 and 2. The petitioners 1 and 2 arranged marriage with one Vinodhkumar and third petitioner. The marriage was conducted on 07.06.2015 as per Hindu rites and customs. In the wed lock, a female child was born on 29.02.2016. The minor child/Shyam is in continuous care and custody of third petitioner from the date of his birth. The third petitioner is residing at Kumaravadi village

in Madurantagam taluk along with her parents and children. The respondent filed G.W.O.P.No.4613 of 2015 before the II Additional Family Court, Chennai, making false allegations.

3. According to the petitioners, third petitioner is the mother and only guardian of the minor child/Shyam. He is studying in UKG in a school in Madurantagam. As per Section 9 of the Guardians and Wards Act, the residence of the minor child has to be taken into consideration for filing G.W.O.P. But the G.W.O.P.No.4613 of 2015 is filed before II Additional Family Court, Chennai, which is not maintainable. In the circumstance, the petitioners have come out with the present transfer petition to withdraw G.W.O.P.No.4613 of 2015 from the file of the II Additional Family Court, Chennai and to transfer the same to the file of Family Court, Chengalpet.

4. Heard the learned counsel for the petitioners as well as respondent and perused the materials available on record.

5. Having regard to the submissions made by the learned counsel for the petitioners, the petition in G.W.O.P.No.4613 of 2015 is ordered to be withdrawn from the file of II Additional Family Court, Chennai and transferred to the file of Family Court, Chengalpet. The II Additional Family Court, Chennai, is directed to transmit all the records pertaining to G.W.O.P.No.4613 of 2015 to the file of Family Court, Chengalpet, 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 (J)

/true copy/

Sub Asst. Registrar

To

1.The Judge,Family Court, Chengalpet.

2.The II Additional Judge, Family Court, Chennai.

+1cc to Mr.R.Sree rangam,Advocate sr.43922

Tr.C.M.P. No.282 of 2016
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gmI (co)

Sd/- (27/7/2017)

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