



WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:23.08.2017**

CORAM:

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU
Tr.C.M.P. (MD)No.351 of 2017**

**and
CMP. (MD) .Nos.7244 and 7245 of 2017**

P.Sivakumar			Petitioner
	Vs.		
R.Vembu		...	Respondent

This Transfer Petition has been filed under Section 24 of Civil Procedure Code to withdraw the case G.W.O.P.No.12 of 2017 on the file of the Family Judge, Trichirappalli and transfer the same to the file of the Principal District Judge, Trichy to try along with G.W.O.P.No.11 of 2017 pending on the file of the Principal District Judge, Trichy.

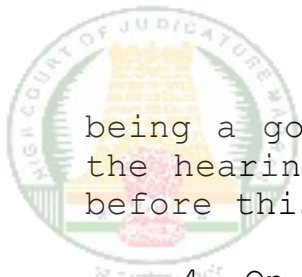
For Petitioner	:Mr.T.Vadivelan
For Respondent	:Mr.R.Sundar

ORDER

This Transfer Petition is filed under Section 24 of Civil Procedure Code to withdraw the case in G.W.O.P.No.12 of 2017 on the file of the Family Court, Trichirappalli and transfer the same to the file of the Principal District Judge, Trichy to try along with G.W.O.P.No.11 of 2017 pending on the file of the Principal District Judge, Trichy.

2. The petitioner would aver among other things that he is the husband of the respondent herein and working as a Teacher Educator at BRC Marungapurai in Manaparai Taluk, Trichy. The marriage between the petitioner and the respondent was solemnized on 12.06.2011 and out of their wedlock, they are blessed with two male children. While so, difference of opinion arose between them in the year 2014 onwards and the respondent left the matrimonial house along with the children and it is alleged that the petitioner was not allowed to see the children.

3. While the matter stood thus, the respondent filed a petition before the Family Court, Trichy in H.M.O.P.No.124 of 2017 seeking for divorce against the petitioner on the ground of cruelty. Similarly, the petitioner filed a Guardian Wards application before the Principal District Court, Trichy, through G.W.O.P.No.11 of 2017 for custody of the minor children. In the mean time, the respondent also filed Guardian Wards Application before the Family Court, Trichy in G.W.O.P.No.12 of 2017 seeking custody of the children. According to the petitioner, since he



being a government employee, he finds it very difficult to attend the hearing before the Family Court, Trichy, and therefore, he is before this Court seeking for the relief stated supra.

4. On 23.08.2017, the matter was mediated by me in the Chamber and the respective counsels and the parties were present. During the course of the hearing in the Chamber, the petitioner submits that he has no objection in transferring G.W.O.P.No.11 of 2017 pending on the file of the Principal District Judge, Trichy to try along with G.W.O.P.No.12 of 2017, pending on the file of the Family Court, Trichy. The submission by the petitioner is recorded.

5. Considering the facts and circumstances of the case and considering the fact that the petitioner has no objection to transfer the matter from the file of the Principal District Judge, Trichy to the Family Court, Trichy coupled with the fact that H.M.O.P.No.124 of 2017 seeking divorce from the petitioner is pending in the Family Court, Trichy, this petition is disposed of, in the following terms:-

(i) The Principal District Judge, Trichy is directed to transfer all the papers relating to G.W.O.P.No.11 of 2017 to Family Court, Trichy, to try along with G.W.O.P.No.12 of 2017 filed by the respondent herein, within a period of two weeks from the date of receipt of a copy of this order.

(ii) On receipt of the same, the Family Court Judge, Trichy, is directed to dispose of the case in G.W.O.P.Nos.11 and 12 of 2017 as expeditiously as possible, preferably within a period of six months, thereafter.

No costs. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar

To

(i) The Judge, Family Court,
Trichirappalli.

(ii) The Principal District Judge, Trichy.

+1cc to Mr.R.Sundar, Advocate Sr.No.74081

+1cc to Mr.T.Vadivelan, Advocate Sr.No.74857

SSM

VB/KP/SAR1/03/10/2017/2P/5C