

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 19.07.2017****CORAM:****THE HONOURABLE MS.JUSTICE J.NISHA BANU****Tr.C.M.P(MD)No.234 of 2017****and****C.M.P(MD)No.5588 of 2017**

G.Banumeena

... Petitioner

Vs.

K.Annamalai

... Respondent

PRAYER: The Petition is filed under Section 24 of the Code of Civil Procedure to withdraw the G.W.O.P.No.3 of 2017 pending on the file of the 1st Additional District Court, Madurai to be tried along with H.M.O.P.No.421 of 2016 pending before the Family Court, Madurai.

For Petitioner : Mr.R.Aravind Raj
For Respondent : Mr.Anandha Padmanabhan

O R D E R

The Transfer Civil Miscellaneous Petition is filed to withdraw the G.W.O.P.No.3 of 2017 pending on the file of the 1st Additional District Court, Madurai and transfer the same to the Family Court, Madurai, to be tried along with H.M.O.P.No.421 of 2016.

2. The petitioner/wife and the respondent/husband got married on 11.09.2008 and out of wedlock, a male child was born to them. Due to misunderstanding, they are living separately. The petitioner/wife is residing at Madurai along with her parents and her child. Meanwhile, the petitioner/wife filed H.M.O.P.No.421 of 2016 on the file of the Family Court, Madurai for divorce and thereafter, the respondent/husband filed G.W.O.P.No.3 of 2017 on the file of the I Additional District Court, Madurai under the Guardianship and Wards Act. To transfer the said petition filed the respondent/husband, this petition has been filed.

3. Heard the learned counsel for the petitioner/wife and the learned counsel for the respondent and also perused the materials available on record.

4. It is stated by the learned counsel for the respondent that he would not have any objection for allowing this application.



5.Considering the above and in the interest of justice, this Court deems fit to transfer G.W.O.P.No.3 of 2017, instituted by the husband before the I Additional District Court, Madurai to Family Court, Madurai to have a joint trial along with H.M.O.P.No.421 of 2016.

6. Accordingly, a direction is issued to withdraw G.W.O.P.No.3 of 2017, from the file of the I Additional District Court, Madurai and the same shall be transferred to Family Court, Madurai for joint trial along with H.M.O.P.No.421 of 2016. On such transfer, the learned Family Court Judge, Madurai is directed to dispose of the applications within a period of six months from the date of receipt of a copy of this order.

7.With the above directions, this petition is allowed. No costs. Consequently, connected M.P. is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1.The Judge ,
Family Court, Madurai.

2.The I Additional District Judge ,
I Additional District Court, Madurai.

+1cc to Mr.R.Aravind Raj, Advocate Sr.No.66220

+1cc to Mr.Anandha Padmanabhan, Advocate Sr.No.66444

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VB/SKN/RSK/SAR2/03.08.2017/2P/5C

Tr.C.M.P(MD)No.234 of 2017
19.07.2017