



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

TR.CMP(MD)No.565 of 2016
& C.M.P(MD)No.11953 of 2016

1.D.Balakrishnan
2.Manjula
3.Saroja
4.L.Manivannan
5.M.Banumathi

... Petitioners/Respondents

*(Petitioners 4 & 5 suo motu impleaded
vide Court Order dated 02.02.2017
in Tr.C.M.P. (MD)No.565 of 2016)*

Vs.

1.Muniyasamy
2.Pullani

... Respondents/Petitioners

Prayer: Petition filed under Section 24 of Code of Civil Procedure to transfer G.W.O.P.No.12 of 2016 from the file of the Principal District Judge, Ramanathapuram, and transfer it to any Court in Thiruchirapalli and pass further orders as this Court may deem fit and proper.

For Petitioners :Mr.G.R.Swaminathan

For Respondents :Mr.G.Prabhu Rajadurai
for Mr.S.Senthilkumar

JUDGMENT

The issue is relating to the custody of minors, namely, Vijaya Amirtha and Azhagia Manavalan. They are the children of Late L.Mathusoothanan and Maheswari, who unfortunately passed away. The maternal parents, namely, the respondents of the grand children filed G.W.O.P.No.12 of 2016 seeking them to appoint as Guardian for the aforesaid minor children before the District Judge, Ramanathapuram, against the petitioners herein.

2. The first petitioner is the brother-in-law and the second petitioner is the sister and the third petitioner is the mother of Late.L.Mathusoothanan. The petitioners 4 and 5 are the another



brother of Late.L.Mathusoothanan and his sister-in-law, namely, the wife of the fourth petitioner.

3. Late.L.Mathusoothanan and Maheswari got married and gave birth to the above said minors and unfortunately, both of them passed away leaving the minor children. Only with regard to appointment of Guardianship, the proceedings have been initiated by the respondents. To transfer the G.W.O.P No.12 of 2016, the petitioners have come before this Court.

4. Taking note of the facts that the parents of the children already passed away and they are in the custody of the couple, namely, Manivannan and Banumathy, this Court *suo motu* impleaded them and directed to all the parties to appear before this Court to conciliate the issue.

5. Mr. G.Prabhu Rajadurai, learned Counsel practising Advocate, for a long time before this Court was requested to conciliate the parties. With the successful mediation and the active support rendered by the respective counsels, the issue has been settled between the parties.

6. All the parties appeared before this Court and they have categorically stated that they have sorted out the issue amicably. The respondents consented and agreed for appointment of L.Manivannan and his wife, namely Banumathy, as the Guardian of the children as the children are looked after by them for the past one year. Accordingly, L.Manivannan and Banumathi are appointed as the Guardian of the minor children namely Vijaya Amirtha and Azhagia Manavalan. It is also stated that the L.Manivannan will take the legal process to get the legal formalities to adopt the minor children.

7. A Joint Memo of Compromise duly signed by both the parties and countersigned by the respective Counsels, dated 07.02.2017, has been filed before this Court.

8. In view of the above development, no useful purpose will be achieved by keeping G.W.O.P.No.12 of 2016 on the file of the Principal District Judge, Ramanathapuram, pending.

9. Therefore, taking note of the statements made by the parties and the respective Counsels and Joint Memo of Compromise, this Court *suo motu* by exercising its power under Article 227 of the Constitution of India and Section 151 of Code of Civil Procedure withdraws G.W.O.P.No.12 of 2016 on the file of the Principal District Judge, Ramanathapuram, and disposed in terms of Joint Memo of Compromise dated 07.02.2017.

10. The Joint Memo of Compromise dated 07.02.2017, shall form service of the order. This Court appreciates the service rendered by the Mr.Prabhu Rajadurai, Advocate, in resolving the issue amicably and the same is placed on record.



11. In view of the above, this Transfer Civil Miscellaneous Petition is disposed of. Consequently, connected Miscellaneous petition is closed. No costs.

WEB COPY

/True copy/

Sd/-

Assistant Registrar(Records)

Sub Assistant Registrar

Encl: Herein entered the Joint Compromise Memo enclosed.

To
The Principal District Judge,
Ramanathapuram,

+1 cc to M/s.G.R.Swaminathan, Advocate in SR.No.6704

gsr
CSLCM-MSA/17.02.2017 :3P/3C

Tr.C.M.P(MD) .No.565 of 2016
07.02.2017