



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

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Tr.C.M.P(MD)No.567 of 2016

and

C.M.P(MD)Nos.11968 of 2016 and 1124 of 2017 & CMP.3851/2017

Tr.C.M.P(MD)No.567 of 2016:

J.Mariammal ... Petitioner/Respondent

Vs.

G.Kanagaraj ... Respondent/ Petitioner

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw G.W.O.P.No.220 of 2016 on the file of the District Court, Thoothukudi and transfer the same to the file of the Subordinate Court, Madurai.

For Petitioner : Mr.T.Murugan

For Respondent : Mr.M.Vijayarathinam

G.W.O.P.No.220 of 2016: (CMP.3851/2017 in Tr.CMP(MD).567/2016

G.Kanagaraj ... Petitioner

Vs.

J.Mariammal ... Respondent

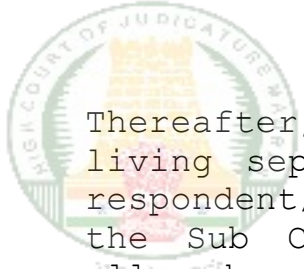
Prayer: Petition filed under Sections 10 and 25 of the Guardian and Wards Act, 1890, to direct the respondent to return the custody of the minor Elamaran to the petitioner.

* * * * *

COMMON ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking to transfer G.W.O.P.No.220 of 2016 filed by the respondent/husband praying for the custody of the minor K.Kamalesh @ G.K.Elamaran, born to them, to the file of the Sub Court, Madurai.

<https://hcservices.courts.mv.in/hcservices/>
2. The petitioner/wife and the respondent/husband got married on 14.09.2009 and out of the said wedlock, a child was born.



Thereafter, a dispute arose between the parties and they have been living separately compelling the respondent/husband to file the respondent/husband to file H.M.O.P.No.108 of 2013 on the file of the Sub Court, Kovilpatti. On contest, the said petition was allowed, granting divorce and both the parties accepted the said judgment and it has become final and thereafter, G.W.O.P.No.220 of 2016 has been filed before the District Court, Thoothukudi. Only to transfer the said petition, the present petition is filed.

3. Both the parties are present. With the active co-operation of both the learned Counsel for the parties, the respondent/husband agreed for permanent custody of the minor child to the petitioner/ wife and the respondent/husband shall have the visitation right on every Saturday or Sunday between 10.00 a.m., and 05.00 p.m., in a public place, like, Rajaji Park, Madurai or any other agreeable place for both the parties.

4. Both the parties agreed for the same and in this regard, a Joint Compromise Memo, dated 27.02.2017, signed by both the parties and counter-signed by both the respective Counsel for the parties, has been filed before this Court.

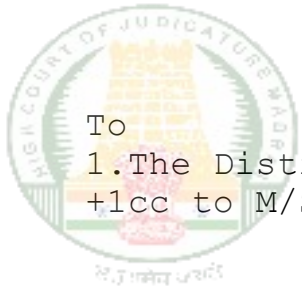
5. In view of the above development, no useful purpose will be served by keeping G.W.O.P.No.220 2016 on the file of the District Court, Thoothukudi and therefore, this Court, invoking the powers under Section 227 of the Constitution of India and Section 151 of the Code of Civil Procedure, *suo motu* withdraws G.W.O.P.No.220 of 2016 from the file of the District Court, Thoothukudi and transfers the same to the file of this Court and grants permanent custody of the minor child, namely, K.Kamalesh @ G.K.Elamaran, to the petitioner/wife, namely, J.Mariammal and the respondent/husband, namely, G.Kanagaraj shall have the visitation right over the minor child on every Saturday or Sunday between 10.00 a.m., and 05.00 p.m., in any public place, like, Rajaji Park, Madurai. Accordingly, G.W.O.P.No.220 of 2016 is disposed of.

6. In the result, this Transfer Civil Miscellaneous Petition is ordered as above. The Joint Compromise Memo, dated 27.02.2017, signed by both the parties and counter-signed by both the respective Counsel for the parties, shall form part of this order. No costs. Consequently, the connected civil miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS II)

/True Copy/

Sub Assistant Registrar



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To
1.The District Judge, Thoothukudi.
+1cc to M/S.T.Murugan, Advocate, SR.11246

Tr.C.M.P (MD) No.567 of 2016
and
C.M.P (MD) Nos.11968 of 2016
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27.02.2017

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