

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2018

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P.No.47 of 2018
and C.M.P.No.1206 of 2018

Rajathilagam

.. Petitioner/Petitioner

Vs.

N.Senthil

.. Respondent/Respondent

PRAYER: Petition filed under Section 24 of the Civil Procedure Code, to withdraw F.C.G.W.O.P.No.524 of 2014 pending on the file of the Family Court, Vellore and transfer the same to the file of the District Court, Krishnagiri District.

For Petitioner : Mr.R.Surya Prakash

For Respondent : No appearance

O R D E R

This Transfer Civil Miscellaneous Petition has been filed to withdraw F.C.G.W.O.P.No.524 of 2014 pending on the file of the Family Court, Vellore and transfer the same to the file of the District Court, Krishnagiri District.

2.Heard the learned counsel for the petitioner and perused the materials available on record. Though notice has been served on the respondent and his name is printed in the cause list, there is no representation for him either in person or through counsel.

3.The petitioner/wife has filed the present Transfer Civil Miscellaneous Petition on the ground that by mistake she has filed F.C.G.W.O.P.No.524 of 2014 for custody of the minor child before Family Court, Vellore as F.C.O.P.No.404 of 2014 filed by her for divorce against the respondent is pending in the Court. F.C.G.W.O.P is posted for further evidence on behalf of the petitioner. When the petitioner changed her counsel she was advised that as per Section 9 of Guardians and Wards Act 1890, the District Court where minors are residing only have jurisdiction to entertain and decide the said O.P. In the

present case, the minors are residing within the jurisdiction of District Court, Krishnagiri. In the circumstances, she has filed the present Transfer Civil Miscellaneous Petition to transfer F.C.G.W.O.P.No.524 of 2014 pending on the file of the Family Court, Vellore to the file of the District Court, Krishnagiri.

4.In view of the above facts, the Transfer Civil Miscellaneous Petition is ordered. The petition in F.C.G.W.O.P.No.524 of 2014 is ordered to be withdrawn from the file of the Family Court, Vellore and transferred to the file of the District Court, Krishnagiri. The learned Judge, Family Court, Vellore is directed to transmit all the records pertaining to F.C.G.W.O.P.No.524 of 2014 to the file of the District Court, Krishnagiri within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

- 1.The District Judge,
Krishnagiri.
- 2.The Judge,
Family Court, Vellore.

+1cc to M/s.A.Rajesh Kanna, Advocate sr.no.36671

सत्यमेव जयते

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