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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.06.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.335 of 2019
and C.M.P. No.9685 of 2019

S.Muthuvel

... Petitioner

-vs-

Minor Mozhimaran
Minor Mathavan
both represented by their mother/
next friend D.Sangeetha

... Respondent

Prayer: Petition filed under Section 24 of C.P.C to withdraw the G.W.O.P. No.6 of 2017 on the file of the District Judge, Thiruvannamalai and to transfer the same to any other competent Court at Chengelpet.

For Petitioner : Mr.D.Manimaran

For Respondent : No appearance

O R D E R

The Transfer C.M.P. has been filed to transfer the G.W.O.P. No.6 of 2017 pending on the file of the District Judge, Thiruvannamalai to the competent Court at Chengelpet.

2.Learned counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnised on 09.02.2004 at Sevva Madam, Thiruvannamalai, as per Hindu rites and customs and out of the wedlock, they were blessed with two children, namely, Mozhimaran and Mathavan, who are born on 04.12.2004 and 16.05.2009 and studying X std and V std. respectively in Atomic Energy Central School, Kalpakkam. Due to some difference of opinion arose between themselves, the wife of the petitioner filed divorce petition in H.M.O.P. No.18 of 2017 on the file of the Sub Court, Thiruvannamalai on the ground of cruelty against the petitioner and the same was also granted on 21.08.2017 by way of exparte order. According to the learned counsel appearing for the petitioner, since she came out from the matrimonial house, she never interested to take care



about her minor children as of now. While so, in order to harass the petitioner, she filed G.W.O.P. No.06 of 2017 on the file of the Sub Court, Thiruvannamalai seeking permanent custody of her minor children. According to the learned counsel appearing for the petitioner, the petitioner, being a Technician in Kalpakkam Atomic Power Station, has been taking care of the two children with utmost love and affection and therefore, if the G.W.O.P. No.6 of 2017 pending on the file of the District Judge, Thiruvannamalai is transferred to the file of the Principal District Judge, Chengalpet, no prejudice will be caused to the respondent.

3.A perusal of the records show that the respondent was served on 16.05.2019 and the learned counsel appearing for the petitioner has also taken private notice with the leave of the Court that was served on the respondent on 27.04.2019, but none appeared on behalf of the respondent either by engaging counsel or by himself.

4.Taking note of the facts that the petitioner has been taking care of the children, meeting out their educational expenses and the petitioner's wife left the matrimonial house long time back and in spite of notice, no one appeared on behalf the respondent, which shows that the respondent was not interested in contesting the case, this Court is inclined to transfer the G.W.O.P. No.6 of 2017 pending before the District Judge, Thiruvannamalai to the file of the Principal District Judge, Chengalpet. Accordingly, the Tr. C.M.P. is allowed and the G.W.O.P. No.6 of 2017 pending on the file of the District Judge, Thiruvannamalai is withdrawn and transferred to the file of the Principal District Judge, Chengalpet.

5.The Principal District Judge, Chengalpet is directed to take up the case and dispose of the same expeditiously in the manner known to law. No costs. Consequently, C.M.P. No.9685 of 2019 is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vga



To

1.The District Judge, Thiruvannamalai

2.The Principal District Judge, Chengalpet.

+1 CC to Mr.D.Manimaran, Advocate sr 52775

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BP(CO)
SP(08/08/2019)