

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2019

CORAM

THE HON'BLE MR.JUSTICE T.RAJA
Tr.C.M.P.No.496 of 2019 and
C.M.P.No.13875 of 2019

Ujjaini		Petitioner
	Vs	
Velu		Respondent

Prayer : Petition under Section 24 of C.P.C., seeking to withdraw the G.W.O.P.No.25 of 2019 on the file of Principal District Court at Vellore and transfer the same to file of the learned Additional District Court at Dharmapuri.

For Petitioner : Mr.A.Prabhakaran
For Respondent : No appearance

O R D E R

The petitioner Tmt.Ujjaini, wife of the respondent Velu, has come before this Court, seeking an order for withdrawal of the pending G.W.O.P.No.25 of 2019, on the file of the Principal District Court, Vellore to be transferred to the file of the learned Additional District Court, Dharmapuri.

2. Learned counsel for the petitioner submitted that the marriage between the petitioner and the respondent was solemnized on 20.08.2012 at Om Sri Kongu Hall Thirumana Mandapam, Morapur in accordance with Hindu rites and rituals in the presence of elders, friends and relatives of both the families. They were blessed with a male child on 13.09.2013, who is now aged about 5 ½ years. After some time, due to trivial matrimonial disputes, the respondent has filed a divorce petition in H.M.O.P.No.5 of 2017 on the file of Sub Court, Gudiyatham under Section 13(1)(1a) of the Hindu Marriage Act and obtained an exparte order. The petitioner filed a petition to set aside the said order and the same is pending. In the meanwhile, the petitioner has also filed M.C.No.10 of 2018 on the file of the learned Judicial Magistrate, Harur, seeking maintenance for both the petitioner and her child. When the M.C.No.10 of 2018 is pending on the file of the Judicial Magistrate, Harur, the respondent has filed G.W.O.P.No.25 of 2019 on the file of the learned Principal District Court, Vellore under Section 7, 8, 10 and 25 of the Guardians and Wards Act, 1890 seeking custody of the child.

2. Learned counsel for the petitioner submits that as the distance between these two places ie., Vellore and Dharmapuri is more than 200 Kms., it is difficult to undertake journey with the small child aged about 5 ½ years for the hearing of the case. Moreover, the maintenance petition in M.C.No.10 of 2018 is also pending on the file of learned Judicial Magistrate, Harur, which is about 30 Kms from Dharmapuri. Hence, the petitioner seeks to withdraw the pending G.W.O.P.No.25 of 2019, on the file of the Principal District Court, Vellore to be transferred to the file of the learned Additional District Court, Dharmapuri.

3. This Court issued notice to the respondent, pursuant to which M/s.G.Vinoda Kumar, learned counsel entered appearance on behalf of the respondent. However, when the matter was listed on 06.08.2019, the said counsel submitted that he has been instructed to withdraw himself from the proceedings and hence the name of the respondent was printed in the cause list. Thereafter, neither the petitioner nor any counsel appeared on behalf of the respondent. Hence, this Court is of the view that the respondent has no objection in allowing the prayer as sought for by the petitioner.

4. Accordingly, the Tr.C.M.P.is allowed and the G.W.O.P.No.25 of 2019 pending on the file of the Principal District Court, Vellore is withdrawn and transferred to the file of the learned Additional District Court, Dharmapuri. No costs. Consequently, connected miscellaneous petition is closed.

5. The learned Additional District Judge, Dharmapuri, is directed to take up G.W.O.P.No.25 of 2019 and dispose of the same expeditiously in the manner known to law.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

KST

To

1. The Principal District Judge, Vellore.
2. The Additional District Judge, Dharmapuri.

+1cc to Mr.A.Prabhakaran , Advocate SR.No. 69996

Tr.C.M.P.No.496 of 2019

A.SK(30/09/2019)