



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.10.2019

CORAM :

THE HONOURABLE MS.JUSTICE **P.T.ASHA**

Tr.C.M.P(MD)No.242 of 2019
and C.M.P. (MD) No.5622 of 2019

1.Mahadevi

2.Minor.Thanyasri

(Reb by next Mother Mahadevi)

... Petitioners/Respondents

Vs.

Solarajan

... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the G.W.O.P.No. 9 of 2019 on the file of the Principal District and Sessions Court, Ariyalur, Ariyalur District and transfer the same to the Additional District Court, Kumbakonam, Thanjavur District.

For Petitioners : Mr.G.Gomathi Sankar

For Respondent : No appearance

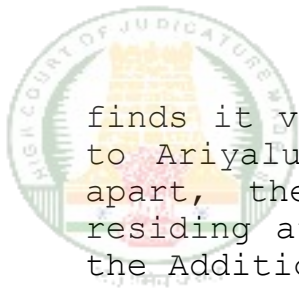
J U D G M E N T

This Transfer Civil Miscellaneous Petition is filed by the petitioner/wife and her minor daughter seeking transfer of the Guardian Petition filed by the husband in G.W.O.P.No. 9 of 2019 on the file of the Principal District and Sessions Court, Ariyalur to the file of the Additional District Court at Kumbakonam.

2. Heard the learned counsel for the petitioner and the respondent though served has not chosen to appear in person or through counsel.

3. The petitioner would contend that she had married the respondent on 29.05.2015 and out of the wedlock, the second petitioner was born. The petitioner would contend that the respondent was in the habit of torturing her and he was also an alcoholic. Considering these facts, the petitioner had filed H.M.O.P.No.83 of 2018 on the file of the Principal Sub Court, at Kumbakonam for divorce. The respondent/husband had entered appearance and has filed his counter.

4. As a counter blast to the divorce petition filed by the wife, the respondent has filed G.W.O.P.No. 9 of 2019 on the file of the Principal District and Sessions Court, Ariyalur. The petitioner would submit that the respondent has not been giving any maintenance to the petitioner herein and further the petitioner is permanently residing at Thensarukkai Village, Papanasam Taluk, Thanjavur District, which comes within the jurisdiction of the Additional District Court, at Kumbakonam. The petitioner would submit that she



finds it very difficult physically as well as financially to travel to Ariyalur to attend the hearings in G.W.O.P.No.9 of 2019. That apart, the minor, whose custody is sought for, is permanently residing at Thensarukkai Village falling within the jurisdiction of the Additional District Court, Kumbakonam.

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5. Considering the fact that sufficient reasons have been given by the petitioner to transfer the proceedings before the Principal District and Sessions Court, Ariyalur to the file of the Principal Sub Court, Kumbakonam, this Court is inclined to issue the following direction:

i) The learned Principal District and Sessions Court, Ariyalur, is directed to transmit the entire records in G.W.O.P.No. 9 of 2019 to the file of the Additional District Court, Kumbakonam, within a period of two weeks from the date of receipt of copy of this order.

ii) the Additional District Judge, Kumbakonam, after obtaining the records on transfer, is directed to dispose of the same as expeditiously as possible in accordance with law.

6. In the result, this transfer civil miscellaneous petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

CM

To,

1.The Principal District and Sessions Court,
Ariyalur, Ariyalur District

2.The Additional District Court, Kumbakonam,
Thanjavur District.

+1 CC to Mr.G.GOMATHI SANKAR, Advocate (SR-92864[F] dated 18/10/2019)

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VB(05.11.2019) 2P 4C