



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2019

CORAM

WEB COPY

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

TR.C.M.P. (MD)No.286 of 2019
and C.M.P. (MD)No.6688 of 2019

A.Sivakumar ... Petitioner/Respondent

Vs.

Viswapriya ... Respondent/Petitioner

PRAYER:- Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the case in G.W.O.P.No.1 of 2018 on the file of the learned Family Court, Dindigul and transfer the same to the file of the learned Principal District Court, Theni.

For Petitioner : Mr.S.Sukumar

For Respondent : Mr.Ezhilarasu,
for Mr.R.Manoharan

ORDER

The above Transfer Civil Miscellaneous Petition has been filed seeking transfer of the case in G.W.O.P.No.1 of 2018 from the file of the learned Family Court, Dindigul to the file of learned Principal District Court, Theni.

2.As per Section 9(1) of the Guardians & Wards Act, 1890, an application seeking guardianship, should be made to the District Court having jurisdiction in the place where the minor ordinarily resides. Section 9(1) of the Act is extracted hereunder:-

"9(1) If the application is with respect to the guardianship of the person of the minor, it shall be made to the District Court having jurisdiction in the place where the minor ordinarily resides."

3.Admittedly, the children are living within the jurisdiction of the Principal District Court, Theni. Therefore, filing of G.W.O.P. before the Family Court, Dindigul, is without jurisdiction. Hence, the transfer civil miscellaneous petition is allowed. Accordingly, the petition in G.W.O.P. No.1 of 2018 is ordered to be withdrawn and transferred from the file of the Family Court,



Dindigul to the file of Principal District Court, Theni.

4.The learned Family Court, Dindigul, is directed to transmit the entire records in G.W.O.P.No.1 of 2018 to the Principal District Court, Theni and the learned Principal District Court, Theni is directed to dispose of the same on merits and in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar(CS)

gns

To

1.The Judge, Family Court, Dindigul.

2.The Principal District Judge, Theni.

+1 CC to M/s.S.SUKUMAR, Advocate (SR-100464[F] dated 22/11/2019)

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JMN(13.12.2019) 2P : 4C