



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 14.11.2019
CORAM :

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P (MD)No.396 of 2019
and
C.M.P. (MD) No.8999 of 2019

Jency @ Mary Jency

... Petitioner/Respondent

Vs.

Arul Fredrick

... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw and transfer G.W.O.P.No.71 of 2019 from the file of the Principal District Court, Pudukkottai to Family Court, Trichy.

For Petitioner : Mr.T.Senthilkumar
For Respondent : Mr.T.Vadivelan

ORDER

This Transfer Civil Miscellaneous Petition is filed by the petitioner/wife seeking transfer of the case in G.W.O.P.No.71 of 2019 filed by the respondent/husband on the file of the Principal District Court, Pudukkottai to the file of the Family Court, Trichy.

2. The ground on which the present Transfer Civil Miscellaneous Petition is filed is that the minor child is ordinarily residing with the petitioner/mother and therefore, the Principal District Court, Pudukkottai, does not have the jurisdiction to hear the said G.W.O.P.

3. The learned counsel for the respondent/husband would submit that the respondent/father only seeks to visit the child.

4. To this, the learned counsel for the petitioner has no objection to the father meeting the son on every Sunday at the local Church at Ammappatti at 11.00 a.m.

5. Considering the legal submission made, this Court is inclined to allow this Transfer Civil Miscellaneous Petition and to issue the following directions:

i) The learned Principal District Judge, Pudukkottai, is directed to transmit the entire records in G.W.O.P.No.71

<https://hcservices.ecourts.gov.in/hcservices/>



of 2019 to the file of the Family Court, Trichy, within a period of two weeks from the date of receipt of a copy of this order;

ii) the learned Judge, Family Court, Trichy, after obtaining the records on transfer, is directed to dispose of G.W.O.P.No.71 of 2019

as expeditiously as possible in accordance with law; and

iii) the respondent/husband is permitted to visit his son on every Sunday at 11.00 a.m., at the local Church at Ammapatti.

4. In the result, this transfer civil miscellaneous petition is allowed as prayed for. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (writs)

// True Copy //

Sub Assistant Registrar(CS)

Pm

To

1.The Principal District Judge,
Pudukkottai.

2.The Judge, Family Court,
Trichy.

+1 CC to Mr.T.SENTHIL KUMAR, Advocate (SR-98599[F] dated 15/11/2019)

+1 CC to Mr.T.VADIVELAN, Advocate (SR-99098[F] dated 18/11/2019)

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