



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.11.2019**

CORAM

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

TR.C.M.P. (MD) No.401 of 2019

and

C.M.P. (MD) No.9080 of 2019

Rashiya Begam

... Petitioner

vs.

Basheer Ahamed

... Respondent

Prayer:-This Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceedings in GWOP.No.219 of 2019 on the file of the Principal District Court, Thiruvallur and transfer the same to the file of Principal District Court, Karur.

For Petitioner : Mr.S.Mohammed Kasim

For Respondent : Mr.R.Karunanithi

ORDER

The above Transfer Civil Miscellaneous Petition is filed by the petitioner/wife seeking to transfer the petition in GWOP.No.219 of 2019 filed by the respondent/husband seeking custody of his minor son, Imbran on the file of the Principal District Court, Thiruvallur to the file of Principal District Court, Karur.

2.The short point involved in the above transfer petition is whether the Principal District Court, Thiruvallur has jurisdiction to entertain the petition in GWOP.No.219 of 2019 filed by the respondent/husband seeking custody of his minor son, Imbran when the minor son in question is residing with the petitioner/wife at Karur. With regard to this issue, Section 5 (b) (ii) of Guardians and Wards Act, 1890 reads as follows:

5 (b) (ii) :- in any matter relating to the person of the ward the District Court having jurisdiction in the place where the ward for the time being ordinarily resides;

3.In view of the above, it is clear that the Principal District Court, Karur has jurisdiction to try the petition in GWOP.No.219 of



4.Under these circumstances, this Transfer Civil Miscellaneous Petition is allowed and the petition in GWOP.No.219 of 2019 on the file of the Principal District Court, Thiruvallur, is ordered to be withdrawn and transferred to the file of Principal District Court, Karur. The learned Principal District Judge, Thiruvallur, is directed to transmit the entire records of GWOP.No.219 of 2019 to the Principal District Court, Karur, as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Principal District Judge,
Thiruvallur.

2.The Principal District Judge,
Karur.

+1 CC to M/s.R.KARUNANIDHI, Advocate (SR-97132[F] dated 08/11/2019)

+1 CC to M/s.S.MOHAMMED KASIM, Advocate (SR-97133[F] dated
08/11/2019)

TR.C.M.P. (MD) No.401 of 2019
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JMN(03.12.2019) 2P : 5C