



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.09.2019

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE P.T. ASHA

TRCMP(MD).No. 423 of 2018 and
CMP(MD).No. 10066 of 2018

Thaila

.. Petitioner

Vs.

Sathishkumar

... Respondent

PRAYER: This petition is filed, under Section 24 of CPC to withdraw and Transfer the proceedings in GWOP.No. 12 / 2018, on the file of the Principal District Court, Pudukkottai to the Family Court, Madurai.

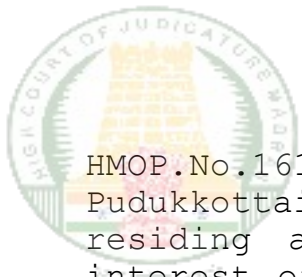
For Petitioner : Mr. J. Jeyakumaran
For Respondent : Mr.N.S. Karthkeyan

ORDER

The above Transfer Civil Miscellaneous Petition is filed seeking transfer of GWOP.No. 12 of 2018 filed by the respondent / husband before the Principal District Court, Pudukkottai, to the Family Court, Madurai.

2. The facts in brief are that the marriage between the petitioner and the respondent has been dissolved by an order dated 09.03.2017 in HMOP.No. 161 of 2015, by the Sub Court, Pudukkottai. They are blessed with a daughter by name Shvarsa, who is now studying in 5th Standard at Madurai Public School. While so, the respondent / husband has filed GWOP seeking guardianship of the minor daughter. Since the petitioner and minor child are residing at Madurai and the minor child is studying at Madurai, the petitioner has moved this petition seeking the transfer of proceedings to the Family Court, Madurai.

3. Section 9 of the Guardians and Wards Act, 1890 stipulates that an application with respect to the guardianship of the minor should be filed before the District Court having jurisdiction in the place where the minor ordinarily resides. Admittedly, the minor is residing at Madurai and the Court at Madurai has jurisdiction to hear the said petition.



4. It is informed by the respondent that when the HMOP.No.161 of 2015, originally filed, the parties were residing at Pudukkottai. However, taking note of the fact that minor is now residing at Madurai and is studying here, it would be in the interest of justice to transfer G.W.O.P.No.12 of 2018, pending on the file of the Principal District Court, Pudukkottai to the Family Court, Madurai.

5. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and the GWOP.No. 12 of 2018, pending on the file of Principal District Court, Pudukkottai is ordered to be withdrawn and transferred to the file of the Family Court, Madurai. The learned Principal and District Judge, Family Court, Pudukkottai is directed to transmit the entire records pertaining to the case in GWOP.No.12 of 2018, to the transferee Court, as expeditiously as possible. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(P & A)

// True Copy //

Sub Assistant Registrar(CS)

trp

To

1. The Principal District Court, Pudukkottai
2. The Family Court, Madurai.

+1CC TO MR.N.S.KARTHIKEYAN, Advocate Sr. No.89535

+1CC TO MR.J.JEYAKUMARAN, Advocate Sr. No. 89636

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KG(CO)

TR(17.10.2019) 2P 5C