

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 18.02.2020
CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Transfer C.M.P.No.63 of 2020 and
C.M.P. No.2088 of 2020

S.Easter Hail Witz ...Petitioner

vs.

1.S.Asha Rajan
2.The Inspector of Police
(Law and Order)
S-15, Police Station
Selaiyur, Chennai - 600 073

3.The Assistant Commissioner of Police
Tambaram Circle
Tambaram, Chennai - 600 043

...Respondents

Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw the proceedings in G.W.O.P. No.48 of 2018 now pending on the file of the Principal District Judge at Chengalpet, and transfer the same to the file of the Family Court, Chengalpet.

For Petitioner : M/s.Elizabeth Ravi
For Respondent : No appearance for R1

O R D E R

This transfer civil miscellaneous petition has been filed to withdraw the proceedings in G.W.O.P. No.48 of 2018 from the file of the learned Principal District Judge at Chengalpet, and transfer the same to the file of the Family Court, Chengalpet.

2. According to the Petitioner, he has filed a Guardianship OP on the file of Principal District Judge, Chengalpet seeking custody of his child, as the child is with his wife. Respondent herein, namely wife, has filed F.C.I.D.O.P. No.78 of 2018 for divorce. Hence, the petitioner, in order to minimise the course of litigation, seeks transfer of G.W.O.P. No.48 of 2018 filed by him, to the file of Family Court, Chengalpet, where the divorce petition filed by the respondent herein, wife is pending.

3. Heard the learned counsel for the Petitioner. None appears on behalf of first Respondent in spite of her name printed in the cause list, after service.

4. There is nothing on record to suspect the bona fides in filing this Transfer Petition. I am therefore of the view that the Transfer Petition deserves to be allowed.

5. In the result, the proceedings in G.W.O.P.No.48 of 2018 is withdrawn from the file of Principal District Judge, Chengalpet and is transferred to the file of Family Court, Chengalpet, to be tried along with F.C.I.D.O.P. No.78 of 2018. The Family Court, Chengalpet is expected to conclude the trial, as expeditiously as possible, without adjourning the matters beyond 45 working days at any point of time, to bring the issue to a logical end.

6. The Transfer Civil Miscellaneous Petition is allowed as indicated above. No costs. Consequently, the connected C.M.P.No.2088 of 2020 is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

(Asr)

To :

1.The Principal District Judge, Chengalpet
2.The Judge, Family Court, Chengalpet
3.The Inspector of Police
(Law and Order)
S-15, Police Station
Selaiyur, Chennai - 600 073

4.The Assistant Commissioner of Police
Tambaram Circle
Tambaram, Chennai - 600 043

+1cc to Ms.Elizabeth Ravi , Advocate SR.No. 13952

Tr.C.M.P.No.63 of 2020 and
C.M.P. No.2088 of 2020

A.SK(04/08/2020)