



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2021

CORAM:

THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

Tr.C.M.P.No.499 of 2021

and

C.M.P.No.13512 of 2021

[Through video conferencing]

Mrs.M.Suganthi

... Petitioner

-vs-

Mr.R.Rajeshkumar

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case in G.W.O.P.No.17 of 2021 on the file of the Family Court, Udhagamandalam, The Nilgiris and to transfer the same to the Additional District Judge, Mayiladuthurai.

For Petitioner : Mr.S.Kathiravan

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw the case in G.W.O.P.No.17 of 2021 on the file of the Family Court, Udhagamandalam, The Nilgiris and to transfer the same to the Additional District Judge, Mayiladuthurai where the petitioner along with her minor child is residing.

2.Though notice has been served to the respondent there is no representation on behalf of the respondent.

3.It is submitted by the learned counsel for the petitioner that the respondent/husband has filed a petition in H.M.O.P.No.139 of 2021 before the Family Court, Udhagamandalam, the Nilgiris for divorce and the petitioner/wife has filed a petition in D.V.C.No.26 of 2020 on the file of the Judicial Magistrate No.I, Mayiladuthurai and the respondent/husband has filed a petition in G.W.O.P.No.17 of 2021 on the file of the Family Court, Udhagamandalam, the Nilgiris under Section 25 of the Guardian and Wards Act for the custody of the 2 years old minor child to the respondent from the custody of the petitioner till the minor attains majority.



4.The learned counsel for the petitioner/wife submitted that the petitioner is residing with her parents home at Mayiladuthurai along with her minor son. The distance between Mayiladuthurai and Udhagamandalam, the Nilgiris is around 450 Kms. He would submit that she has no independent income and she is depending on her parents for her day to day expences. Moreover, the petitioner is being a lady she is not in a position to travel alone from Mayiladuthurai and Udhagamandalam, the Nilgiris for attending the Court on every hearings in G.W.O.P.No.17 of 2021. Therefore, on the ground of convenience, she seeks to transfer the case in G.W.O.P.No.17 of 2021 from the file of the the Family Court, Udhagamandalam, the Nilgiris to the file of the Additional District Judge, Mayiladuthurai. The learned counsel for the petitioner also make a submission with regard to Section 9 of the Guardian and Wards Act, 1890 and also make a submission with regard to the order passed by this Court made in Tr.C.M.P.(MD).No.21 of 2021, dated 03.03.2021.

5.Heard the learned counsel for the petitioner and perused the materials available on record.

6.Considering the facts and circumstances of the case and also the considering the submissions made by the learned counsel for the petitioner, this Court is inclined to allow this Transfer Civil Miscellaneous Petition. Accordingly, G.W.O.P.No.17 of 2021 is withdrawn from the file of the Family Court, Udhagamandalam, The Nilgiris and transferred to the file of the learned Additional District Judge, Mayiladuthurai. The Family Court, Udhagamandalam, The Nilgiris is directed to transmit the papers to the file of the Additional District Judge, Mayiladuthurai forthwith. The learned Judge, Additional District Court at Mayiladuthurai is directed to dispose of the case in G.W.O.P.No.17 of 2021 on merits and in accordance with law as expeditiously as possible.

7.In fine, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

ssi



To:

1. The Judge,
Family Court,
Udhagamandalam,
The Nilgiris.

2. The Additional District Judge,
Mayiladuthurai.

+2CCs to Mr.S.Kathiravan, Advocate, Sr.No.53665

Tr.C.M.P.No.499 of 2021
and C.M.P.No.13512 of 2021

GPL (CO)
K.RK. (01.11.2021)