

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 21ST DAY OF FEBRUARY 2022

THE HON'BLE MR. JUSTICE P.VELMURUGAN

O.P. No. 336 of 2021

and

A.No.4790 of 2021

In the matter of Guardian and Wards
Act 1890

AND

In the matter of appointment of
Guardian of Minor children

Master M.Sivabalan, aged 3 years &
Ms. M.Siva Dhanvanthika, aged 2
years.

G.Magendran,
aged 32,
Son of late Mr.A.Govindan,
No.136, AVM Nagar 2nd Main Road,
Madhavaram, Chennai-600 060

... Applicant / Petitioner

Vs

N. Pavithra, aged 24,
Wife of G.Magendran,
residing at
No.23, Sri Subbam Avenue,
First Street, Moola Chataram
MMC, Chennai-600 051 .

...Respondent / Respondent

O.P. No. 336 of 2021:-

Original Petition praying that this Hon'ble Court be pleased to pass an order:

a) to appoint the petitioner herein as the Guardian of the person of the minor viz (1) M.Sivabalan, (2) M.Sivadhanvanthika.

b) to give custody of the children (1) M.Sivabalan and (2) M.Sivadhanvanthika to the petitioner.

A.No. 4790 of 2021:-

Application praying that this Hon'ble Court be pleased to permit the Petitioner / Applicant to be with his children 1. M.Sivabalan and 2. M.Sivadhanvanthika on 29.12.2021 from 08.00 am to 08.00 p.m only on the Birthday Celebration of M.Siva Dhanvanthika on that day only with other conditions remain as it is.

This Original Petition and Application coming on this day before this court for hearing in the presence of Mr. T.A.Srinivasan, Advocate for the petitioner in O.P.No.336 of 2021 and for the Applicant in A.No.4790 of

2021 and Mr.R.Ganesan, Advocate for the Respondent in O.P.No.336 of 2021 and for the Respondent in A.No.4790 of 2021, and upon reading the Judges Summons and the Affidavit of G.Magendran filed in A.No.4790 of 2021, the Court made the following order:-

1. In the last hearing on 17.02.2022, the applicant/petitioner in the main Original Petition himself was present. This Court posed some questions to him. He replied that he lived in Madhavaram. His wife and children are also living in Madhavaram.

2. This application has been filed to permit the petitioner to be with his children on 29.12.2021.

3. Learned counsel for the applicant/husband submitted that he has taken steps to transfer this matter to concerned jurisdictional Court.

4. This Court already examined the applicant and the applicant/respondent stated that his wife and children are living in Madhavaram. Madhavaram comes under Thiruvallur District. Therefore, this Court has no jurisdiction to deal with this matter and the Registry is directed to transmit the entire papers including O.P.No.336 of 2021

immediately to the Family Court, Thiruvallur to deal with the matter, which has got jurisdiction over the subject matter, on or before 28.02.2022. Both the parties are directed to appear before the Family Court, Thiruvallur on 10.03.2022.

WITNESS THE HON'BLE MR. JUSTICE MUNISHWAR NATH BHANDARI, CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 21ST DAY OF FEBRUARY 2022.

Sd/-

ASSISTANT REGISTRAR(O.S. II)

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

ARS
24.02.2022

O.P. No. 336 of 2021
and
A.No.4790 of 2021

ORDER

DATED : 21.02.2022

THE HON'BLE MR. JUSTICE
P.VELMURUGAN

FOR APPROVAL : 24.02.2022

APPROVED ON : 24.02.2022

Copy to:-

The Family Court,
Thiruvallur.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 21ST DAY OF FEBRUARY 2022

THE HON'BLE MR. JUSTICE P.VELMURUGAN

O.P. No. 336 of 2021

and

A.No.4790 of 2021

In the matter of Guardian and Wards
Act 1890

AND

In the matter of appointment of
Guardian of Minor children

Master M.Sivabalan, aged 3 years &
Ms. M.Siva Dhanvanthika, aged 2
years.

G.Magendran,
aged 32,
Son of late Mr.A.Govindan,
No.136, AVM Nagar 2nd Main Road,
Madhavaram, Chennai-600 060

... Applicant / Petitioner

Vs

N. Pavithra, aged 24,
Wife of G.Magendran,
residing at
No.23, Sri Subbam Avenue,
First Street, Moola Chataram
MMC, Chennai-600 051 .

...Respondent / Respondent

O.P. No. 336 of 2021:-

Original Petition praying that this Hon'ble Court be pleased to pass an

order:

a) to appoint the petitioner herein as the Guardian of the person of the minor viz (1) M.Sivabalan, (2) M.Sivadhanvanthika.

b) to give custody of the children (1) M.Sivabalan and (2) M.Sivadhanvanthika to the petitioner.

A.No. 4790 of 2021:-

Application praying that this Hon'ble Court be pleased to permit the Petitioner / Applicant to be with his children 1. M.Sivabalan and 2. M.Sivadhanvanthika on 29.12.2021 from 08.00 am to 08.00 p.m only on the Birthday Celebration of M.Siva Dhanvanthika on that day only with other conditions remain as it is.

This Original Petition and Application coming on this day before this court for hearing, the Court made the following order:-

1. In the last hearing on 17.02.2022, the applicant/petitioner in the main Original Petition himself was present. This Court posed some questions to him. He replied that he lived in Madhavaram. His wife and children are also living in Madhavaram.

2. This application has been filed to permit the petitioner to be with his children on 29.12.2021.

3. Learned counsel for the applicant/husband submitted that he has taken steps to transfer this matter to concerned jurisdictional Court.

4. This Court already examined the applicant and the applicant/respondent stated that his wife and children are living in Madhavaram. Madhavaram comes under Thiruvallur District. Therefore, this Court has no jurisdiction to deal with this matter and the Registry is directed to transmit the entire papers including O.P.No.336 of 2021 immediately to the Family Court, Thiruvallur to deal with the matter, which has got jurisdiction over the subject matter, on or before 28.02.2022. Both the parties are directed to appear before the Family Court, Thiruvallur on 10.03.2022.

Sd./-P.V.J.

21.02.2022

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.