



TR.CMP.No.749 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

TR.CMP.No.749 of 2022
and CMP.No.12739 of 2022

S.Anitha

... Petitioner

VS

1. V.Santhaiyan
2. S.Ananthi
3. S.Angayarkanni
4. S.Arunagiri
5. S.Azhagirisamy
6. S.Arivazhagan
7. S.Amutha

... Respondents

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, pleaded to withdraw and transfer the G.W.O.P.No.4 of 2021, pending on the file in the Court of District Judge, Karaikal to the file in the Principal District Court, Coimbatore in the matter of the Guardianship of the minor Yajnesh Swarun.

For Petitioner : Mr.C.Ganesh Pandian

For Respondents : Mr.A.B.Rajasekaran for R2
: No appearance for R1, R3 to R7



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ORDER

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The petitioner has come up with this transfer Civil Miscellaneous Petition seeking transfer of her own petition for custody of the minor child one Yajnesh Swarun in G.W.O.P.No.4 of 2021, from the file of District Court, Karaikal to the file of Principal District Court, Coimbatore.

2. According to the petitioner, she is residing at Coimbatore and the minor child one Yajnesh Swarun is at present studying at Yuvabharathi Public School, Coimbatore. The Bonafide Certificate issued by the Principal of the said school is enclosed in the typed set of papers.

3. The learned counsel appearing for the second respondent vehemently opposed the transfer application on the ground that if the matter is transferred from Karaikal to Coimbatore, all the respondents have to travel to Coimbatore to attend the Court proceedings. Whereas if the case is retained at Karaikal, the petitioner alone has to undertake travel to Karaikal. By considering the facts and circumstances of the case and the convenience of the larger number of the parties, the case shall be retained at the District Court, Karaikal.



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WEB COPY 4. The dispute involved in this case is regarding the custody of the minor child one Yajnesh Swarun. As per the certificate issued by the Yuvabharathi Public School, Coimbatore, the minor is now studying 10th standard in their school. If the case relating to the custody of child is proceeded at the District Court, Karaikal, unnecessarily the minor's study will get spoiled as he is in crucial 10th standard. By taking into consideration the welfare of the minor, this Court is inclined to order the above transfer application.

5. Accordingly, the transfer Civil Miscellaneous Petition is allowed by withdrawing G.W.O.P.No.4 of 2021 from the file of District Court, Karaikal and transferring the same to the file of Principal District Court, Coimbatore. No costs. Consequently, connected miscellaneous petition is closed.

28.09.2022

Index : Yes / No
Internet : Yes / No
Speaking Order : Yes / No

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S.SOUNTHAR, J.

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To

- 1.The Principal District Court, Coimbatore.
- 2.The District Court, Karaikal

28.09.2022