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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2022

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

TR.C.M.P.NO.919 OF 2021

AND

C.M.P.NO.20494 OF 2021

F.Dalphin Mary

... Petitioner/Respondent

-Vs-

C.Samraj

... Respondent/Petitioner

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw the proceedings in G.W.O.P.No.50 of 2021 on the file of the learned Principal District Judge, Chengalpet District and transfer the same to the learned Principal District Judge, Nagercoil, Kanyakumari District to be heard and dispose of on the normal course.

For Petitioner : Mr.Arun Kasi

For Respondent : Served - No appearance

ORDER

The wife has filed the Transfer Civil Miscellaneous Petition seeking transfer of G.W.O.P.No.50 of 2021 filed by the husband for taking custody of the children on the file of the Principal District Judge, Chengalpet District, to the Principal District Judge, Nagercoil, Kanyakumari District.

2.The respondent/husband though served has not entered appearance either in person or through pleader.

3.The respondent has stated in Para 18 of the petition in G.W.O.P.No.50 of 2021, that the minors are permanently residing with the petitioner/mother. The said statement is made in Para 18 as follows:



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"...on 24.07.2013 when the 1st daughter S.Jayshril Jyotsna born on 17.06.2018 when the 2nd son S.Hobiat Dany and on 01.05.2019 when the respondent left the matrimonial home with children without any justifiable cause voluntarily deserted the petitioner."

4.It is clear that the children are now residing with the mother at Kanyakumari since 01.05.2019. In these circumstances, it appears that the permanent home now of the minors is at Kanyakumari.

5.Therefore, the Transfer Civil Miscellaneous Petition is allowed and G.W.O.P.No.50 of 2021 pending on the file of the learned Principal District Judge, Chengalpet District is withdrawn and transferred to the learned Principal District Judge, Nagercoil, Kanyakumari District. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

mps

To

1. The Principal District Judge,
Chengalpet District,
2. The Principal District Judge,
Nagercoil,
Kanyakumari District.

Tr.C.M.P.No.919 of 2021
and
C.M.P.No.20494 of 2021

SV(CO)
RLP(05/05/2022)