



ORDER

The petition for transfer is filed to transfer the G.W.O.P.No.48 of 2022 from the Court of District Sessions Judge No.II at Kancheepuram to Principal District Court, Tiruvallur.

2. The marriage between the petitioner and the deceased Rajkamal was solemnised on 11.04.2016 as per the Hindu Rites and Customs. one male child was born from and out of the wedlock between the petitioner and the deceased Rajkamal. Unfortunately, the husband of the petitioner died. Now, she is residing in her parent's house along with her minor boy. While so, the respondents, who are father-in-law and mother-in-law of the petitioner, filed G.W.O.P.No.48 of 2022, seeking custody of the minor boy.

3. The learned counsel for the petitioner states that the minor boy is with her and he is studying at Tiruvallur. More so, the petitioner has no objection to visit the child by the respondents/ grand parents and the petition for custody is to be tried only at Tiruvallur, since she is not in a position to travel along with the minor boy and contest the case. That apart, she is depending upon her parents and thus, the case is to be transferred.



4. The learned counsel for the respondents state that the petitioner is not allowing the respondents/grand parents to visit the minor boy, who is the grand son of the respondents.

5. The learned counsel for the petitioner, in reply, has stated that the petitioner has no objection for visitation and therefore, the respondents are at liberty to go to the place of the petitioner and see their grand son.

6. However, G.W.O.P.No.48 of 2022 is to be filed only, where, the minor children resides and in the present case, the minor boy resides at Tiruvallur and therefore, G.W.O.P.No.48 of 2022 has been filed before the Court at Kancheepuram, which has no jurisdiction to try. That apart, the minor boy is now with the petitioner and studying at Tiruvallur. Thus, the case deserves to be transferred.

7. Accordingly, the G.W.O.P.No.48 of 2022 pending on the file of District Sessions Judge No.II at Kancheepuram stands transferred to the Principal District Court, Tiruvallur forthwith. The District Sessions Judge



No.II, Kancheepuram is directed to transmit the case papers to the Principal District Court, Tiruvallur, within a period of four (4) weeks from the date of receipt of a copy of this order.

8. With the abovesaid directions, the Transfer Civil Miscellaneous Petition stands allowed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

08.12.2022

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Index : Yes / No

Speaking order / Non-speaking order

To

1.The District Sessions Judge No.II,
Kancheepuram.

2.The Judge,
Principal District Court, Tiruvallur.



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S.M.SUBRAMANIAM, J.

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08.12.2022