



Tr.CMP No.781 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12-01-2023

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Tr.CMP No.781 of 2022

And

CMP No.13440 of 2022

S.Anitha

.. Petitioner

vs.

S.Ananthi

.. Respondent

PRAYER : This Transfer CMP is filed under Section 24 of the Civil Procedure Code, to withdraw the case in GWOP No.2 of 2022 from the file of the District Court at Karaikkal and transfer the same to the file of the Principal District Court at Coimbatore.

For Petitioner : Mr.C.Ganesh Pandian

For Respondent : Mr.C.Subash



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ORDER

The present Transfer Civil Miscellaneous Petition is filed to withdraw the case in GWOP No.2 of 2022 from the file of the District Court at Karaikkal and transfer the same to the file of the Principal District Court at Coimbatore.

2. It is an unfortunate case where the minor boy lost his father and mother. Now the minor boy aged about 15 years and he is now with the custody of the petitioner Smt.S.Anitha, who is the sister of the boy's mother.

3. Admittedly, the boy is studying SSLC (X Standard) in a School at Coimbatore.

4. The learned counsel for the petitioner states that the minor boy is studying at Yuvabharathi Public School at Coimbatore and a bona



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vide certificate issued by the Principal of the said Public School at Coimbatore is enclosed along with the typed set of papers.

5. The petitioner filed GWOP No.4 of 2021 before the District Court at Karaikkal initially and the said GWOP was transferred to the Principal District Court at Coimbatore in Tr.CMP No.749 of 2022.

6. The respondent herein filed another GWOP No.2 of 2022 before the District Court at Karaikkal, seeking custody of the minor boy and the present Transfer Civil Miscellaneous Petition is filed to transfer the said GWOP No.2 of 2022 to try along with the other GWOP No.4 of 2021 filed by the respondent.

7. The learned counsel for the respondent raised an objection by stating that the earlier Transfer Civil Miscellaneous Petition was filed behind the back of the respondent and more-so, the minor boy was with the custody of the respondent all along at Karaikkal and only six months back, the boy



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was taken forcibly by the petitioner and got admitted in a School at Coimbatore.

8. The fact remains that the boy is studying SSLC (X Standard) in a School at Coimbatore and in the event of transferring the case to Karaikkal, his education will get affected and the interest of the minor boy is being paramount importance.

9. This Court cannot unnecessarily disturb the education of the minor boy, who is preparing for his Public Examination scheduled to be held in March 2023. Further, the custody of the minor boy is now with the petitioner, who is residing at Coimbatore.

10. This being the facts and circumstances, the GWOP No.2 of 2022 pending on the file of the District Court at Karaikkal stands transferred to the file of the Principal District Court at Coimbatore forthwith to be tried along with GWOP No.4 of 2021. Thus this Court directed the District Court



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at Karaikkal to transmit the case papers to the file of the Principal District Court at Coimbatore, within a period of four weeks from the date of receipt of a copy of this order.

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

12-01-2023

Speaking Order/Non-Speaking Order.

Neutral Citation : Yes/No.

Internet : Yes/No.

Index: Yes/No.

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To

1.The District Judge,
District Court,
Karaikkal.

2.The Principal District Judge,
Principal District Court,
Coimbatore.

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S.M.SUBRAMANIAM, J.

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