



Tr.C.M.P(MD)No.141 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2023

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

Tr.C.M.P(MD)No.141 of 2023

and

C.M.P(MD)Nos.3246 and 3248 of 2023

1.Gomathilakshmi

2.Minor.Sasmita Sree

...Petitioners/
Respondents

(Represented by her Mother.Gomathilakshmi)

Vs.

Rajeshkumar

...Respondent/
Petitioner

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure, to withdraw the Guardian Wards Original Petition in G.W.O.P.No.33 of 2022 from the file of the learned Family Court, Pudukkottai and transfer the same to the learned Family Court, Madurai.

For Petitioners : Mr.B.Rooban

For Respondent : No Appearance



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ORDER

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The present transfer civil miscellaneous petition has been filed to transfer G.W.O.P.No.33 of 2022 from the file of the learned Family Court, Pudukkottai to the file of the learned Family Court, Madurai.

2. Though the respondent has been served, there is no appearance either in person or through counsel. The name of the respondent is also printed in the cause list.

3. The petitioner in her affidavit filed in support of the petition stated as follows:

"5. I submit that I am working as Assistant in Employees State Insurance Corporation, Sub Regional office, Madurai. Further my daughter Sasmita Sree is studying in CS.Ramachary Memorial Nursery & Primary School, Thirunagar, Madurai District. So, for attending the hearing in the GWOP filed by the Respondent, I need to go to the Family Court, Pudukkottai from my residence at Thirunagar, Madurai nearly about 140 KM and travelling time is around 7 hours up and down. I have nobody to accompany with me while traveling such a long distance.

6. I submit that, already on 31.10.2022 I was set ex-parte in the GWOP 33/2022 and I have filed set aside Petition in IA No.2/2022 and the same has been allowed on 20.01.2023. Hence, I fear that it may not be possible to appear before the learned Family court at Pudukkottal on every hearing and I may not be able to submit my fair case.



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7. Further I submit that the Respondent is also highly influential person to cause serious harm and he threatens me while I am appearing for hearing. I am appearing before the learned trial court with severe fear and apprehension. Therefore I submit that in the above circumstances and in the interest of justice it is just and necessary to transfer the trial of the above case in GWOP No. 33 of 2022 from Family Court, Pudukkottai to the Learned Family Judge, Madurai, otherwise I will be put to irreparable loss and hardship. Further serious prejudice will be caused if I was unable to put forth my fair case in the false case filed by the Respondent.

8. Further I submit that, as per section 9(1) of the Guardians and Wards Act, 1890 the jurisdiction of the Court where the Application has to be presented is where the minor ordinarily resides. But, the learned family court at Pudukkottai has arbitrarily entertained the Application and is proceeding with the case without considering the Bar in jurisdiction and my difficulty to appear from such a long distance and it may cause serious prejudice to me."

4. Considering the above, I am inclined to allow the present Transfer Civil Miscellaneous Petition. Thus, the present Transfer Civil Miscellaneous Petition stands allowed by transferring G.W.O.P.No.33 of 2022 from the file of the learned Family Court, Pudukkottai to the file of the learned Family Court, Madurai. No costs. Consequently, connected miscellaneous petitions are closed.

12.04.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The learned Family Court,
Pudukkottai.
- 2.The learned Family Court,
Madurai.
- 3.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.SARAVANAN ,J.

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