



WEB COPY



Tr.CMP No.110 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2024

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

TR.CMP No.110 of 2023
and C.M.P.No.2258 of 2023

Vanjulavalli Sridhar

.... Petitioner

-Vs-

1.P.Karthik
2.Dr.M.K.Sridhar

.... Respondents

Prayer : Transfer Civil Miscellaneous Petition under Section 24 of C.P.C., to withdraw GWOP No.439 of 2022 on the file of the Family Court, Salem and transfer the same to Family Court, Puducherry.

For Petitioner : Mr.R.Ezhilarasan

For Respondents : Served - No appearance

ORDER

This Transfer C.M.P., seeks for transfer of GWOP No.439 of 2022 now pending on the file of the Family Court at Salem to be withdrawn and transferred to the file of the Family Court at Puducherry.

2. The petitioner is the mother of the minors. The first respondent has moved an application seeking for guardianship of two male children by name Minor.Logan



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Karthik and Minor.Nanda Karthik. The minors were born on 03.03.2017 and 09.11.2018 respectively at Salem. Currently, the children are studying in Thangam Mount Litera Zee School, Salem. They are being taken care of by the second respondent herein, the father of the transfer petitioner.

3. The transfer petitioner claims that she is a member of the Central Civil Service and is currently posted as Deputy Conservator of Forests at Union Territory of Puducherry. She would state that due to her commitments in connection with her official duties, she is unable to attend the hearing at the Family Court at Salem. Therefore, she seeks for the transfer of the proceedings from Salem to Puducherry.

4. Notice was ordered in the petition by this Court on 08.02.2023. A report was also called for from the Family Court at Salem. The respondents have been served, but they have not entered appearance through counsel, nor they are present in person to oppose the petition.

5. The report of the Family Judge states that on 29.11.2022, both the parties were absent and the case was posted subsequently on 22.12.2022, 04.01.2023 and 01.02.2023. On all these dates, the transfer petitioner was absent. It transpires the Court has passed a conditional order which was also not complied with by the transfer petitioner. The matter was posted for filing of counter as a last chance and it was at that stage the transfer petition has been moved.



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6. When matters relating to guardianship are before the Court, it is the convenience of the children that has to be given paramountcy. I am certain that the petitioner being a member of the Central Civil Service, is loaded with work. That does not mean the case should follow wherever she is posted. The children are studying in Salem and if I were to transfer the case to Puducherry, it will affect their education.

6. Taking into consideration the interest of the children, I am not inclined to allow this transfer petition and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

16.07.2024

Index : Yes/No

Neutral Citation : Yes/No

KST

To

The Family Court
Salem.



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V. LAKSHMINARAYANAN, J.

KST

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