



Tr.Cmp.No.922 of 2024

**WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**Dated : 02.04.2025**

**CORAM**

**THE HON'BLE MS.JUSTICE P.T.ASHA**

**Tr.C.M.P.No.922 of 2024**

**C.M.P.No.20133 of 2024**

S.Ekabaram

...Petitioner

Vs.

Tyson Mandela

...Respondent

**PRAYER:** ı Transfer Civil Miscellaneous Petition filed under 24 of Code of Civil Procedure, pleased to transfer the proceeding in G.W.O.P.No.398 of 2024 pending on the file of the Learned District Family Court, Tiruppur to the learned District Family court at Villupuram.

For Petitioner : Mr.A.Mohan

For Respondent : Notice served (No appearance)

**ORDER**

The petitioner has filed the above petition seeking to transfer G.W.O.P.No.398 of 2024 pending on the file of the District Family Court, Tiruppur, to the file of the District Family Court, Villupuram.



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2.The petitioner is not the father but he is the maternal guardian of the ward (Minor). It is the case of the petitioner that the respondent had married his daughter Sumithra on 05.06.2017 at Velankanni Madha Church, Velankanni. The respondent was addicted to alcohol and would come home drunk. He would thus pick up quarrel with his daughter frequently. Out of this wedlock, the petitioner's daughter gave birth to a baby girl Karuna Sree who is now aged about seven years. At present, she is studying in II standard at Vivekananda Vidyalaya at Manampoondi Village.

3.It is the case of the petitioner that on 19.07.2022, he had received call from Veerapandi Police Station, Tiruppur, stating that his daughter Sumithra had died by hanging and it appears to be a death under suspicious circumstances. Therefore, the petitioner's wife had lodged a complaint with the Veerapandi Police Station and on the basis of this complaint the respondent and his mother had been arrested and investigation is on going.

4.The petitioner's grand daughter is under the care and custody of the



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petitioner. It appears that the respondent had filed a petition in G.W.O.P.No.398 of 2024 before the District Family Court, Tiruppur, seeking to be appointed as guardian of his minor daughter. In the said petition, he has taken out an application for visitation rights.

5.The petitioner would submit that the minor is living at Villupuram and studying there. The petitioner is eking out his livelihood by driving an auto. The petitioner would submit that he has no objection to the respondent visiting his grand daughter. However, considering the manner in which his daughter had passed away and since the investigation was still on going the custody of the minor girl cannot be given to the respondent father. Since the petitioner was finding it extremely difficult to travel to Tiruppur, to attend the hearings he had taken out this application.

6.Heard the learned counsel for the petitioner and perused the records. The respondent though served has not entered appearance.

7.As per Section 9 of the Guardians and Wards Act, the District Court



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which has jurisdiction is the Court where the minor is ordinarily residing.

Admittedly the minor is now residing at Villupuram with the petitioner. She does not live in Tiruppur. Therefore, the Court at Tiruppur would not have the jurisdiction to consider the petition and it is only the Court at Villupuram that would have the jurisdiction. Therefore, the Transfer Civil Miscellaneous Petition is allowed and G.W.O.P.No.398 of 2024 is withdrawn from the file of the District Family Court, Tiruppur, and transferred to the file of the District Family Court at Villupuram. No costs. Consequently, connected miscellaneous petition is closed.

**02.04.2025**

ep

Index : Yes/No

Internet : Yes/No

Speaking Order/Non Speaking Order

To

- 1.The District Family Court, Tiruppur.
- 2.The Family Court, Villupuram.

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**P.T.ASHA, J.,**

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