

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

TUESDAY, THE 27TH DAY OF JANUARY 2015/7TH MAGHA, 1936

Tr.P(C).No. 311 of 2013 ()

OP 545/2013 of FAMILY COURT, NEDUMANGAD

PETITIONER :

**SOUMYA SASEENDRAN, AGED 29 YEARS,
D/O.HEMALATHA, ANANDALAYAM, VELLAYIKULAMBIL,
NEAR MALAYIL, CRUSHER UNIT, CHITHALI P.O.,
PALAKKAD DISTRICT.**

**BY ADVS.SRI.R.AZAD BABU
SRI.SMITHA BABU**

RESPONDENT :

**SREEKANTH, AGED 33 YEARS,
S/O.VELUKUTTY, PADMAVILASOM, VELOORKONAM,
MANCHA P.O., NEDUMANGAD TALUK,
THIRUVANANTHAPURAM DISTRICT.**

**BY ADVS. SRI.RAM MOHAN.G.
SRI.G.P.SHINOD
SRI.MANU V.
SRI.GOVIND PADMANAABHAN**

**THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 27-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

Tr.P(C).No. 311 of 2013 ()

APPENDIX

PETITIONER'S ANNEXURES :

ANNEXURE A1: COPY OF PETITION IN OP NO. 545 OF 2013 OF FAMILY COURT, NEDUMANGAD.

ANNEXUIRE A2: COPY OF ORDER IN TR.P.C. NO. 198/2013.

ANNEXURE A3: COPY OF NOTICE IN OP NO. 545 OF 2013 OF FAMILY COURT, NEDUMANGAD.

RESPONDENT'S ANNEXURES : NIL.

//TRUE COPY//

P.S. TO JUDGE

bp

P. BHAVADASAN, J.

Tr.P.(C). No. 311 of 2013

Dated this the 27th day of January, 2015.

ORDER

This is a petition filed under Section 24 of the Code of Civil Procedure seeking transfer of O.P. 545 of 2013 from Family Court, Nedumangad to Family Court, Alappuzha.

2. Suffice to say, the marital relationship between the petitioner and the respondent ran into rough weather and litigations began. Petitioner took up residence with her parents and the respondent instituted O.P. 351 of 2013 before Family Court, Nedumangad for restitution of conjugal rights. That was withdrawn and subsequently he filed O.P. 545 of 2013 before Family Court, Nedumangad for divorce.

3. The petitioner points out that she is residing far away and she finds it extremely difficult to go over to Nedumangad to attend the case on all posting dates. It is also pointed out that there is nobody to accompany her

and she is financially not very sound. Therefore, she prays for a transfer of the case to Family Court, Alappuzha.

4. Respondent entered appearance. It is pointed out that the respondent is an autorickshaw driver and he has only a meager income. It is also pointed out that the petitioner is very rich and she can afford the expenses to come to Nedumangad.

5. Except for the assertion that the parties are affluent, there is no evidence produced by both sides to prove the same. Further, learned counsel for the petitioner points out that the very case of the respondent is that the petitioner is mentally ill. If that be so, according to the learned counsel for the petitioner, it is only proper to transfer the case to Family Court, Alappuzha.

6. Considering the nature of the allegations in the petition, it is only appropriate that she should be given the privilege of the matter decided by the Family Court near her house. It is also significant to note that in the light of the

allegations in the petition for divorce, it may not be necessary for the respondent to attend the court on all posting dates. Considering the totality of the circumstances, it is felt that O.P. 545 of 2013 pending before the Family Court, Nedumangad be transferred to Family Court, Alappuzha.

Hence, this petition is allowed and O.P. 545 of 2013 pending before the Family Court, Nedumangad shall stand transferred to Family Court, Alappuzha Parties shall appear before Family Court, Alappuzha on 20.02.2015. If the respondent applies for exemption from personal appearance, the court below shall consider the same with sympathy.

P. BHAVADASAN,
JUDGE

sb.