

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 3RD DAY OF AUGUST 2015/12TH SRAVANA, 1937

Tr.P(C).No. 533 of 2013 ()

(TO TRANSFER OF OP.NO. 504/2013 OF FAMILY COURT, MUVATTUPUZHA TO FAMILY COURT, THIRUVANANTHAPURAM)

PETITIONER/RESPONDENT:

**ANITHA.P.,
D/O.THANKA KUTTAN, TC.17/1865, PURA-65,
'BHARATHI', POOJAPPURA, THIRUVANANTHAPURAM.**

BY ADV. SRI.G.SUDHEER

RESPONDENT/PETITIONER:

**ANIL BHASKARAN, S/O.BHASKARAN, AGED 42 YEARS,
THEKKUMPURATH HOUSE, NELLIKUZHY P.O.,
NANGALIPADY, KOTHAMANGALAM, PIN- 686 691,
ERNAKULAM DISTRICT.**

**BY ADVS. SMT.K.NANDINI
SRI.BINU BOSE**

**THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 03-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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APPENDIX

PETITIONER'S ANNEXURES:

- ANNEX A COPY OF THE PETITION IN O.P.NO.504/2013 FILED BY THE
RESPONDENT BEFORE THE FAMILY COURT, MUVATTUPUZHA DATED
9/10/2013.
- ANNEX B COPY OF THE NOTICE TO APPEAR BEFORE THE FAMILY COURT,
MUVATTUPUZHA ON 27/11/2013 IN O.P.NO.504/2013 ISSUED TO THE
PETITIONER DATED 28/10/2013.
- ANNEX C COPY OF THE PETITION AS MC.NO.121/2013 FILED BY THE
PETITIONER BEFORE THE FAMILY COURT, THIRUVANANTHAPURAM.
- ANNEX D COPY OF THE CMP NO.998/2013 IN MC.NO.14/2013 FILED BY THE
PETITIONER BEFORE THE ADDITIONAL CHIEF JUDICIAL MAGISTRATE
COURT, THIRUVANANTHAPURAM

RESPONDENT'S ANNEXURES:

NIL

/TRUE COPY/

P.A.TO JUDGE

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B. KEMAL PASHA, J.

.....
Tr.P.(C) No.533 of 2013
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Dated this the 3rd day of August, 2015

ORDER

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Petitioner wife seeks the transfer of O.P.No.504/2013 of the Family Court, Muvattupuzha filed by the respondent husband seeking dissolution of marriage, to the Family Court, Thiruvananthapuram. According to the petitioner, she is residing within the jurisdiction of the Family Court, Thiruvananthapuram. She has filed MC.121/2013 against the respondent, before the Family Court, Thiruvananthapuram seeking maintenance. Further, she has initiated proceedings against the respondent, under the Protection of Women from Domestic Violence Act, 2005 before the Additional Chief Judicial Magistrate's Court, Thiruvananthapuram. It is the case of the petitioner that on getting notices from the aforesaid proceedings, the respondent has filed O.P.No.504/2013 before the Family

Court, Muvattupuzha.

2. Heard learned counsel for the petitioner and learned counsel for the respondent.

3. Learned counsel for the respondent strongly opposes the transfer of the case from the Family Court, Muvattupuzha to the Family Court, Thiruvananthapuram. According to the learned counsel for the respondent, even though the respondent was working in USA as on the date of filing of the OP, presently, he is in Kerala and he could not go back to USA. Whatever it is, it is a fact that the petitioner is residing within the jurisdiction of the Family Court, Thiruvananthapuram.

4. On hearing the learned counsel for the parties and on considering the facts and circumstances of the case, this Court is satisfied that it is just and convenient in the interest of justice to transfer O.P.No.504/2013 of the Family Court, Muvattupuzha, to the Family Court, Thiruvananthapuram.

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In the result, this Tr.P.(C) is allowed and O.P.No.504/2013 of the Family Court, Muvattupuzha is ordered to be transferred to the Family Court, Thiruvananthapuram.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/03/08

// True Copy //

PA to Judge