

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ANTONY DOMINIC
&
THE HONOURABLE SMT. JUSTICE P.VASHA

FRIDAY, THE 9TH DAY OF OCTOBER 2015/17TH ASWINA, 1937

Tr. Appeal (C) No. 7 of 2015 IN Tr.P(C).337/2015

AGAINST THE JUDGMENT IN Tr.P(C)NO.337/2015 of HIGH COURT OF KERALA DATED 03-09-2015

APPELLANT/RESPONDENT:

PRABULLACHANDRAN.K.B.
S/O LATE BHASKARAN NAIR,
AGED 44 YEARS, CHERUKOLE P.O.
CHERUKOLE MURI, CHENNITHALA VILLAGE,
MAVELIKKARA TALUK
ALAPPUZHA DISTRICT 690 104.

BY ADVS.SRI.P.B.KRISHNAN
SRI.P.M.NEELAKANDAN
SRI.P.B.SUBRAMANYAN
SRI.SABU GEORGE
SRI.S.NITHIN (ANCHAL)

RESPONDENT/PETITIONER:

DEEPA.G, D.O LATE GOPALAKRISHNAN UNNITHAN
AGED 39 YEARS, PULAYIRETH HOUSE,
VALLIKUNNAM VILLAGE, MAVELIKKARA TALUK
ALAPPUZHA DISTRICT 690 501

R BY SRI.C.B.SREEKUMAR
R BY SRI.K.S.SIVA KUMAR

THIS TRANSFER APPEAL (CIVIL) HAVING COME UP FOR ADMISSION ON
09-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC & P.V.ASHA, JJ.

Transfer Appeal (C) No.7 of 2015

Dated this the 9th day of October, 2015

JUDGMENT

Antony Dominic, J.

This appeal is filed against the judgment of the learned Single Judge dismissing Tr.P.(C)No.337/15 where the respondent sought transfer of O.P.No.355/14 and O.P.55/2015 on the file of the Family Court, Thiruvalla to the files of Family Court, Mavelikkara to be tried along with O.P.360/15 filed by her against the appellant. By the judgment under appeal, the learned Single Judge allowed the prayer and it is this judgment which is challenged before us.

2. We heard the counsel for the appellant and considered the submissions made.

3. The ground on which the judgment of the learned Single Judge is impugned is that the respondent approached this court contending that she is a resident of Mavelikkara and therefore, it is difficult for her to contest the cases filed by the appellant before the Family Court, Thiruvalla and, therefore, the cases pending in Family Court there, should be transferred to Mavelikkara Family Court where O.P.360/15 filed by her is pending. The assertion that the respondent is a resident of Mavelikkara on

the basis of which the transfer was sought, is contested by the learned counsel for the appellant by asserting that she is a resident of Thiruvalla itself and that the transfer sought is only to harass him. This contention is sought to be substantiated by relying Exts.R1(a), (b) and (c) filed along with the counter affidavit. It is complained that this vital aspect has not been taken note of by the learned Single Judge.

4. Though it is true that in Exts.R1(a), (b) and (c) the address furnished by the respondent is her Thiruvalla address, the averments in the original petition show that according to her she is now residing at Mavelikkara. There is nothing before this court, to disbelieve this assertion by the respondent. In such a situation, the learned Single Judge was justified in arriving at the conclusion that the cases should be transferred to Mavelikkara Family Court to be tried along with the case pending in that court. We do not find any illegality in the judgment.

Appeal fails and it is accordingly dismissed.

Sd/-
ANTONY DOMINIC
JUDGE

Sd/-
P.V.ASHA
JUDGE