

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P. BHAVADASAN

THURSDAY, THE 12TH DAY OF FEBRUARY 2015/23RD MAGHA, 1936

Tr.P(C).No. 16 of 2015 ()

OP 1062/2014 of FAMILY COURT, IRINJALAKUDA

PETITIONER(S)/RESPONDENT :

SUDHA AGED 44 YEARS
W/O. MUKUNDAN, SUDHALAYAM HOUSE
NEAR ST. JOSEPH'S CHURCH, KUNNAMPURA ROAD
CHALAKUDY DESOM, POTTAH VILLAGE, CHALAKUDY TALUK
NOW STAYING AT C/O. SUMA, AGED 31 YEARS, W/O. BABU
THUNDUTHARAYIL CHINGOLI, ALAPPUZHA DISTRICT-690 532.

BY ADV. SRI. B. RENJITH KUMAR

RESPONDENT(S)/PETITIONER :

MUKUNDHAN, AGED 67 YEARS
D/O. LATE LAKSHMIKUTTIAMMA, MADATHIPARAMBIL
MURUNDOOR DESOM AND MURI, CHALAKUDY TALUK
THRISSUR DISTRICT-680 307.

R1 BY ADV. SRI. SHEEJO CHACKO

THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
12-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Tr.P(C).No. 16 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE 1- COPY OF THE DISCHARGE CARD ISSUED BY THE MEDICAL COLLEGE
HOSPITAL, KOTTAYAM.

ANNEXURE 2- COPY OF THE NONE MARROE TEST DATED 14.6.2014.

ANNEXURE 3- COPY OF O.P. No.1062/2014 ON THE FILE OF FAMILY COURT,IRINJALAKUDA.

ANNEXURE 4- COPY OF I.A. No.2691/2014 IN O.P. No.1062/2014

RESPONDENT(S)' EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

sou.

P.BHAVADASAN, J.

Tr.P.(C) No. 16 of 2015

Dated this the 12th day of February, 2015

ORDER

This is a petition filed under Section 24 of the C.P.C. seeking to have O.P.No. 1062/2014 pending before the Family Court, Irinjalakuda transferred to Family Court, Mavelikkara.

2. Suffice to say that the marital relationship between the petitioner and the respondent ran into rough weather and litigations began. The petitioner says that she is suffering from cancer and she is undergoing treatment for the same. While so, the respondent is said to have filed O.P.No. 1062/2014 before the Family Court, Irinjalakuda for divorce. She would say that she is advised to take treatment from the Cancer Centre at Trivandrum and therefore she is not in a position to go back to Chalakkudy. She is compelled to take up residence with her sister at Alappuzha and she does not know how long the treatment is

going to take. Under these circumstances, it may not be possible for her to attend the posting of the case at Family Court, Irinjalakkuda and therefore, she prays that the matter be transferred to the Family Court, Mavelikkara.

3. The learned counsel appearing for the respondent pointed out that he stands ousted from his own house and in fact residence at Alappuzha is only temporary and he says that question of transfer does not arise for consideration.

4. One has to appreciate the circumstances under which the transfer is sought for. The petitioner says that she is suffering from cancer to which no objection is taken by the respondent. She claims to be undergone treatment at Cancer Centre, Trivandrum and since she is unable to stay at Trivandrum, she has taken up residence with her sister at Alappuzha. She says that she used to come and reside at Chalakkudy and she will not be capable of doing now as it takes much more effort. It is under these circumstances, she prayed for a transfer.

5. The question as to whether the petitioner ousted the respondent from the house or whether he can reside there are all matters to be considered by the appropriate court.

6. Considering the plight of the petitioner and the predicament under which she is placed, it is only appropriate that relief be granted to the petitioner.

7. Therefore, this petition is allowed and O.P.No. 1062/2014 pending before Family Court, Irinjalakuda shall stand transferred to Family Court, Mavelikkara.

The parties shall appear before the Family Court, Mavelikkara on **05.03.2015**.

Sd/-
P.BHAVADASAN
JUDGE

ds

//True copy//

P.A. to Judge