IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 7TH DAY OF JULY 2015/16TH ASHADHA, 1937

Tr.P(C).No. 23 of 2015

TO TRANSFER OP(HMA) 1319/2014 OF FAMILY COURT, KOLLAM TO FAMILY COURT, PALA.

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PETITIONER:

NISHA M.D, AGED 28 YEARS,
D/O.DAS M.K., MECHARIL HOUSE,
VAYALA.P.O., KOTTAYAM - 686 587.

BY ADVS.SRI.P.BABU KUMAR
SRI.P.YADHU KUMAR

RESPONDENT:

GOPAKUMAR.G, AGED 33 YEARS,
S/O.GOPALAKRISHNAN ACHARI,
PARVATHI VILASAM, PANAYAM.P.O.,
PANAYAM VILLAGE, PERIYANADU, KOLLAM.

BY ADV. SRI.C.UNNIKRISHNAN (KOLLAM)

THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07-07-2015 ALONG WITH TR.P(C).93/2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

mbr/

Tr.P(C).No. 23 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A1 : TRUE COPY OF THE O.P(HMA)NO.1319/2014 FILED BY THE RESPONDENT BEFORE THE FAMILY COURT, KOLLAM DATED 3.12.2014.

RESPONDENTS' ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE

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B.KEMAL PASHA, J.

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Tr.P.(C).Nos.23 & 93 of 2015

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Dated this the 7th day of July, 2015

O R D E R

Heard the learned counsel appearing for both sides. The order passed on 06.07.2015 is recalled.

2. Tr.P.C.No.23 of 2015 is filed by the wife seeking transfer of O.P.(HMA)No.1319 of 2014 filed by the respondent husband, before the Family Court, Kollam to the Family Court, Pala. Tr.P.(C) No.93 of 2015 is filed by the husband seeking transfer of O.P.No.11 of 2015 filed by the respondent wife, before the the Family Court, Pala to the Family Court, Kollam.

3. According to the wife, she is working in a Bank at Kuruppanthara, which is within the jurisdiction of the Family

Court, Pala. Her six months old child is also with her. She finds it difficult to travel all the way from Pala to Kollam to defend O.P.(HMA)No.1319 of 2014. According to the husband, his aged parents are also the defendants in O.P.No.11 of 2015 and it is not able for them to travel from Kollam to Pala to defend O.P.No.11 of 2015.

4. According to the learned counsel for the husband, there were attempts of attack on the husband and his parents when they had appeared at the Family Court, Pala and such attacks were attempted to be made by the wife, her father and relatives. According to the learned counsel for the husband, the husband is afraid of appearing before the Family Court, Pala.

5. On hearing the submissions from both the learned counsel for the parties and on considering the facts and circumstances of the case, this Court is satisfied that both the Transfer Petitions can be disposed of, thereby transferring O.P.(HMA)No.1319 of 2014 before the Family

Court, Kollam and O.P.No.11 of 2015 filed by the wife before the Family Court, Pala to the Family Court, Kottayam at Ettumanoor. The Family Court, Kottayam at Ettumanoor is directed not to insist the personal appearance of the parents of the husband in O.P.No.11 of 2015 and their presence shall be insisted only on the posting dates on which their personal appearance is required.

In the result, Tr.P.(C) No.23 of 2015 and Tr.P.(C) No.93 of 2015 are disposed of and O.P.(HMA)No.1319 of 2014 of the Family Court, Kollam and O.P.No.11 of 2015 of the Family Court, Pala are transferred to the Family Court, Kottayam at Ettumanoor.

Sd/-

B.KEMAL PASHA
JUDGE

DSV/7/7/15