

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 7TH DAY OF AUGUST 2015/16TH SRAVANA, 1937

Tr.P(C).No. 63 of 2015 ()

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TRANSFER O.P. NO. 469/2014 OF FAMILY COURT, PALA TO
FAMILY COURT, OTTAPALAM.**

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PETITIONER/RESPONDENT:

**DEEPU JOY,
S/O.JOY JOSEPH, VALLAVANTHARA HOUSE,
CHAZHIYATTIRI P.O., VIA. KARUKAPUTHUR,
CHAZHIYATTIRI VILLAGE, PATTAMBI TALUK,
PALAKKAD-679 535.**

BY ADV. SRI.KALEESWARAM RAJ.

RESPONDENT/PETITIONER:

**NAVITHA JOSEPH,
D/O.JOSEPH, ANATHARACKAL HOUSE,
RAMAPURAM P.O., RAMAPURAM VILLAGE,
MEENACHIL TALUK, KOTTAYAM-686 591.**

BY ADV. SRI.THOMAS ABRAHAM (NILACKAPPILLIL).

**THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 07-08-2015, ALONG WITH TR.P(C).NO.180 OF 2015, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:**

rs.

Tr.P(C).No. 63 of 2015

APPENDIX

PETITIONER'S ANNEXURES:-

**ANNEXURE A COPY OF THE PETITION FILED BY THE RESPONDENT IN
O.P. NO.469/2014.**

**ANNEXURE B COPY OF THE PETITION WHICH IS NUMBERED AS
I.A. NO.1107/2014 IN O.P. NO. 591/2014.**

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

B. KEMAL PASHA, J.

.....
Tr.P.(C) Nos.63 & 180 of 2015
.....

Dated this the 7th day of August, 2015

ORDER

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Tr.P.(C) No.180/2015 is filed by the wife seeking the transfer of O.P.No.591/2014 filed by her before the Family Court, Ottapalam, to the Family Court, Pala. Tr.P(C) No.63/2015 is filed by the husband seeking the transfer of O.P.No.469/2014 filed by the respondent wife for dissolution of marriage, before the Family Court, Pala, to the Family Court, Ottapalam .

2. According to the wife, she is residing within the jurisdiction of the Family Court, Pala and she was compelled to file O.P.No.591/2014 before the Family Court, Ottapalam since the properties to be proceed against are situated within the jurisdiction of the Family Court, Ottapalam. She finds it difficult to travel all the way from Pala to Ottapalam for attending the case. The case of the husband is that the

jurisdiction to entertain O.P.No.591/2014 is with the Family Court, Ottapalam since the properties to be proceeded against are within the jurisdiction of the said court. Even though initially the OP was filed before the Family Court, Pala, it was returned for presentation before the Family Court, Ottapalam.

3. According to the learned counsel for the husband, even if a decree is passed in OP No.591/2014, it can be executed only by the Family Court, Ottapalam as the properties are situated therein and the petitioner is residing within the local limits of the Family Court, Ottapalam. Those matters do not weigh with the court at present, as such a decree at the time of execution can be transferred to the concerned court with a precept for execution. Another apprehension forwarded by the learned counsel for the respondent is that his parents are also made parties to OP No.591/2014 and, therefore, in case of a transfer, it may not be possible for them to attend the Family Court, Pala. In

such case, the court below can be directed to dispense with the personal presence of the parents of the husband in the OP.

4. On hearing either side, this Court is satisfied that it is just and convenient in the interest of justice to transfer O.P.No.591/2014 pending before the Family Court, Ottapalam, to the Family Court, Pala.

In the result, Tr.P.(C) No.180/2015 is allowed and Tr.P.(C) No.63/2015 is dismissed. O.P.No.591/2014 of the Family Court, Ottapalam, is transferred to the Family Court, Pala. The court below is directed not to insist for the personal presence of the parents of the husband in O.P.No.591/2014 before the court below, except on occasions in which their personal attendance is required.

Sd/-  
**(B.KEMAL PASHA, JUDGE)**

aks/07/08

*// True Copy //*

*PA to Judge*