

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 24TH DAY OF JULY 2015/2ND SRAVANA, 1937

Tr.P(C).No. 125 of 2015 ()

(TRANSFER OF OP.NO. 567/2014 OF FAMILY COURT, MALAPPURAM TO FAMILY COURT, ERNAKULAM)

PETITIONER:

**CHRISTY JOSE, AGED 34 YEARS,
D/O. JOSE, HOUSE NO.20, VATTEKKATTU LANE,
KALOOR, KOCHI-17**

BY ADV. SRI.VINUCHAND

RESPONDENT:

**MATHEWKUTTY O.T. @ WILSON, AGED 42 YEARS,
S/O. OOMEN, THAYYIL HOUSE, EDAKKARA P.O.,
MALAPPURAM DISTRICT, PIN-679 331**

**BY ADVS. SRI.P.SAMSUDIN
SRI.K.C.ANTONY MATHEW
SRI.JITHIN LUKOSE**

**THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 24-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

sts

Tr.P(C).No. 125 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

- ANNEX A1 COPY OF THE OP.NO.1712/2012 ON THE FILE FAMILY COURT,
ERNAKULAM.
- ANNEX A2 COPY OF THE M.C. 15/2014 ON THE FILE FAMILY COURT, ERNAKULAM
- ANNEX A3 COPY OF THE O.P.NO.86/2014 ON THE FILE FAMILY COURT,
ERNAKULAM.
- ANNEX A4 COPY OF THE O.P.NO.567/2014 PENDING BEFORE THE FAMILY COURT,
MALAPPURAM.

RESPONDENT'S ANNEXURES: NIL

/TRUE COPY/

P.A.TO JUDGE

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B. KEMAL PASHA, J.

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Tr.P.(C) No.125 of 2015
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Dated this the 24th day of July, 2015

ORDER

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Petitioner wife seeks for the transfer of O.P.No.567/2014 of the Family Court, Malappuram filed by the respondent husband seeking divorce, to the Family Court, Ernakulam. According to the petitioner, she is residing with her child along with her father at Ernakulam within the jurisdiction of the Family Court, Ernakulam. She has filed O.P.1712/2012 against the respondent, before the Family Court, Ernakulam seeking divorce. She has filed MC.15/2014 also before the Family Court, Ernakulam against the respondent seeking maintenance. Over and above it, she has filed OP No.86/2014 before the Family Court, Ernakulam against the respondent for return of gold ornaments, money, etc. All the three cases are still pending before the Family Court, Ernakulam.

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

3. According to the learned counsel for the respondent, earlier, an OP was filed by the respondent herein before the Family Court, Malappuram against the petitioner seeking restitution of conjugal rights and an *ex-parte* decree was obtained. The petitioner herein has not obeyed the said decree and, therefore, he was constrained to file OP No.567/2014 seeking divorce. Further, the respondent had filed a Guardian Ward OP also before the Family Court, Malappuram seeking the custody of the child. The same was also allegedly decreed *ex-parte*. According to the learned counsel for the petitioner, the petitioner has filed an OP before this Court challenging the said order. It is the case of the respondent that the petitioner is working at Ernakulam and she is not in the habit of appearing before courts. Whatever it is, she has filed three cases before the Family Court, Ernakulam and the

same are pending right from 2012 onwards. Considering the said aspects, this Court is of the view that it is just and convenient to transfer OP No.567/2014 pending before the Family Court, Malappuram also to the Family Court, Ernakulam.

In the result, this Tr.P.(C) is allowed and OP No.567/2014 pending before the Family Court, Malappuram is ordered to be transferred to the Family Court, Ernakulam.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/24/07

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PA to Judge