

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 22ND DAY OF JUNE 2015/1ST ASHADHA, 1937

Tr.P(C).No. 169 of 2015

**EP.NO.144/2013 IN OS.NO.17/1975 OF SUB COURT, KOTTARAKARA NOW PENDING
BEFORE THE SUB COURT - II, KOLLAM**
.....

PETITIONER(S)/PETITIONER:

**THULASIBAI, AGED 61 YEARS,
D/O. KARTHIYAYANI, THADAVILA PUTHENVEEDU,
ADOOR VILLAGE, PANNIVIZHA MURI, KUNNATHOOR TALUK,
REPRESENTED BY HER POWER OF
ATTORNEY HOLDER SRI.N.JAYAPRASAD,
AISWARYA, PUNALUR VILLAGE, PATHANAPURAM TALUK,
BHARANIKKAVU MURI, PUNALUR - 691 305.**

**BY ADVS.SRI.P.B.SAHASRANAMAN
SRI.T.S.HARIKUMAR
SRI.K.JAGADEESH**

RESPONDENT(S)/RESPONDENT:

**RAMANUJAN S., AGED 70 YEARS,
S/O. NARAYANAN, THADAVILA PUTHENVEEDU, PANNIVIZHA MURI,
ADOOR TALUK, ADOOR VILLAGE - 691 523.**

BY ADV. SRI.NARAYANAN RAMANUJAN (PARTY)

**THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
22-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

Tr.P(C).No. 169 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE A1: TRUE PHOTOSTAT COPY OF THE EP.NO.60/2008 FILED BEFORE THE
SUB COURT, KOTTARAKKARA, DATED 19TH DECEMBER, 2008.**

**ANNEXURE A2: TRUE PHOTOSTAT COPY OF THE ORDER IN OP(T.P) NO.84/2011 OF
THE DISTRICT COURT, KOLLAM, DATED 31.3.2011.**

**ANNEXURE A3: TRUE PHOTOSTAT COPY OF THE ORDER IN OP(C) NO.3045/2011 OF
THE HIGH COURT, DTD.23.9.2011.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

B.KEMAL PASHA, J.

.....
Tr.P.(C) No.169 of 2015
.....

Dated this the 22nd day of June, 2015

ORDER

The present prayer of the petitioner in E.P. 144/2013, which was originally filed as E.P. No.60 of 2008, is to transfer the EP from the Subordinate Judge's Court, Kollam to the Subordinate Judge's Court, Pathanamthitta.

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

3. The respondent in person stoutly opposes the transfer of the EP. At the same time, he has not made it clear as to what are his objections in transferring the EP from the Subordinate Judge's Court, Kollam to the Subordinate Judge's Court, Pathanamthitta. It seems that

EP was originally filed before the Subordinate Judge's Court, Kottarakkara and subsequently it was transferred to Subordinate Judge's Court, Kollam, as the Subordinate Judge wanted such a transfer.

4. It seems that the present respondent himself had preferred EAs. 80 and 81 of 2015 in EP 144/2013 before the Additional Subordinate Judge's Court, Kollam, stating in detail that the decree schedule property is situated at Adoor, which is not within the territorial jurisdiction of the Subordinate Judge's Court, Kottarakkara or Subordinate Judge's Court, Kollam. It seems that, time and again, the respondent has the contention that EP is not maintainable either before the Subordinate Judge's Court, Kottarakkara or Subordinate Judge's Court, Kollam. Adoor is coming within the jurisdiction of the Subordinate Judge's Court, Pathanamthitta. The matter relates to a suit of the year 1975. Still roadblocks are being created against the execution of the decree. The objection raised by the

respondent is devoid of merits and the same are mere dilatory tactics. This Court is satisfied that it is just and convenient in the interest of justice to transfer the EP to the Subordinate Judge's Court, Pathanamthitta.

In the result, this Transfer Petition (Civil) is allowed and E.P. No.144 of 2013 in O.S.No.17 of 1975 pending before the Sub Court-II, Kollam is transferred to the Sub Court, Pathanamthitta.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge