

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 12TH DAY OF JUNE 2015/22ND JYASHTA, 1937

Tr.P(C).No. 179 of 2015

**TO TRANSFER O.P.NO.1/2015 OF THE FAMILY COURT, PALAKKAD TO FAMILY
COURT, ERNAKULAM WHERE GUARDIAN O.P.NO.499/2015 IS PENDING**

PETITIONER(S) :

**DEEPA, AGED 30 YEARS,
W/O.KALIDASAN, VALIYATHARA VEEDU, SOUTH CHITTOOR,
CHERANELLOOR VILLAGE, SOUTH CHITTOOR P.O., COCHIN- 27.**

BY ADV. SRI.R.DIVAKARAN

RESPONDENT(S):

**KALIDASAN, AGED 40 YEARS,
S/O.CHAMI, KUNNATH VEEDU, VELLA ROAD,
MANKARA P.O, MANKARA AMSOM, PALAKKAD, PIN- 678 613.**

BY ADV. SRI.P.U.SHAILAJAN

**THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 12-06-2015, ALONG WITH Tr.P(C).No.302 OF 2015, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE A1: THE TRUE COPY OF THE GUARDIAN ORIGINAL PETITION
NO.499/2015 BEFORE THE FAMILY COURT, ERNAKULAM.**

**ANNEXURE A2: A TRUE COPY OF THE O.P.NO.1/2015 ON THE FILE FAMILY
COURT, PALAKKAD.**

**ANNEXURE A3: A TRUE COPY OF O.P.NO.49/2015 PENDING BEFORE
THE FAMILY COURT, PALAKKAD.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

B. KEMAL PASHA, J.

.....
Tr.P.(C) Nos.179 & 302 of 2015
.....

Dated this the 12th day of June, 2015

ORDER

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Tr.P.(C) No.179/2015 is filed by the petitioner seeking transfer of O.P. No.1/2015 pending before the Family Court, Palakkad to the Family Court, Ernakulam, where she has filed O.P.(G&W) No.499/2015. Tr.P.(C) No.302/2015 is filed by the petitioner seeking transfer of O.P.No.49/2015 filed by the respondent herein before the Family Court, Palakkad to the Family Court, Ernakulam, where the aforesaid Guardian and Ward Original Petition is pending. The petitioner in both the matters is the wife and the respondent is the husband. According to the petitioner, she is presently residing at Ernakulam, where she has filed O.P.(G&W) No.499/2015 before the Family Court, Ernakulam seeking the custody of the children. She wants to get the other OPs transferred from the Family Court,

Palakkad to the Family Court, Ernakulam.

2. The respondent has got a specific case that while the parties were residing together, the petitioner fell in love with a young man hailing from Orissa and she eloped with him. After some days, she was abandoned by the said man and finally, she was produced before the Mankara Police Station by her father, where a crime for man missing was registered. It is alleged that, again she wanted to go with the other man and not with her husband or children.

3. It is a fact that the children are not with the petitioner. It seems that she had abandoned the children and moved away. It has been pointed out that the respondent is working for gains at a bakery at Olavakode. If a transfer is granted as prayed for, definitely, the respondent would be put to irreparable loss and injuries as he has to maintain the children. The said reality has to be taken note of in considering the feasibility of the transfers as prayed for. On considering the entire aspects and on hearing the

learned counsel for both sides, this Court is satisfied that it is not just and convenient in the interest of justice to effect the transfers as prayed for.

In the result, these Transfer Petitions are dismissed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/12/06

// True Copy //

PA to Judge