

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 6TH DAY OF AUGUST 2015/15TH SRAVANA, 1937

Tr.P(C).No. 188 of 2015

**TO TRANSFER O.P.NO.1707 OF 2014 OF FAMILY COURT, ERNAKULAM TO FAMILY
COURT, THALASSERY**

PETITIONER(S) :

**BEENA SHABU, AGED 33 YEARS,
W/O.SHABU.A.H, D/O.A.K.ALI, "BEENAS",
PERINGADI.P.O, NEW MAHE.**

BY ADV. SRI.V.BINOY RAM

RESPONDENT(S) :

**SHABU A.H, AGED 42 YEARS,
S/O.A.M.HYDROSE, ALLEDATH HOUSE, TOLL GATE,
EDAPPALLY, KOCHI, ERNAKULAM DISTRICT, PIN-682 024.**

BY ADV. SMT.J.SHEEBA MARIAM

**THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 06-08-2015, ALONG WITH Tr.P(C).No.298 OF 2015 AND CONNECTED
CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

- ANNEXURE 1: TRUE COPY OF THE PETITION IN O.P.NO.1707/2014 BEFORE THE FAMILY COURT, ERNAKULAM.
- ANNEXURE 2: TRUE COPY OF THE PETITION IN O.P.NO.106/2015 BEFORE THE FAMILY COURT, THALASSERY.
- ANNEXURE 3: TRUE COPY OF THE PETITION IN O.P.NO.124/.2015 BEFORE THE FAMILY COURT, THALASSERY.

RESPONDENT(S)' ANNEXURES :

- ANNEXURE R1(A): TRUE PHOTOCOPY OF THE MEDICAL CERTIFICATE DATED 23.02.2015 RESPONDENT'S MOTHER PRODUCED HERE WITH AND MARKED FOR REFERENCE.
- ANNEXURE R1(B): TRUE PHOTOCOPY OF THE DISCHARGE SUMMARY DATED 18.04.2015 RESPONDENT'S FATHER PRODUCED HERE WITH AND MARKED FOR REFERENCE.

//TRUE COPY//

P.S.TO JUDGE.

Msd.

B. KEMAL PASHA, J.

.....
Tr.P.(C) Nos.188, 298, 305 & 315 of 2015
and Tr.P.(Crl) 56 of 2015
.....

Dated this the 6th day of August, 2015

ORDER

Heard learned counsel for the petitioners and the learned counsel for the respondents.

2. Tr.P.C.No.188 of 2015 is filed by the wife seeking the transfer of OP 1707 of 2014 filed by the respondent/husband seeking restitution of conjugal rights before the Family Court, Ernakulam, to the Family Court, Thalassery. Tr.P.C.No.298 of 2015 is filed by the husband seeking the transfer of OP 124 of 2015 filed by the wife before the Family Court, Thalassery, to the Family Court, Ernakulam or to the Family Court, Kozhikode. Tr.P.C.No.305 of 2015 is filed by the husband seeking the transfer of OP 106 of 2015 filed by the wife before the Family Court,

Ernakulam, to the Family Court, Kozhikode. Tr.P.C.No.315 of 2015 is also filed by the husband seeking the transfer of OP 296 of 2015 filed by the wife before the Family Court, Thalassery, to the Family Court, Ernakulam or to the Family Court, Kozhikode. Similarly, Tr.P.(Crl).No.56 of 2015 is filed by the husband seeking the transfer of MC 153 of 2015 filed by the wife before the Family Court, Thalassery, to the Family Court, Ernakulam or to the Family Court, Kozhikode.

3. According to the wife, her father is no more. She is residing with her mother, along with her 3½ year old minor child at Mahe, which is within the jurisdiction of the Family Court, Thalassery. According to her, it may not be possible for her either to go to the Family Court, Kozhikode by travelling one hour and fifteen minutes, or to the Family Court, Ernakulam. According to the husband, it may not be possible for him to attend the Family Court, Thalassery, as he is residing at Ernakulam. In case he has to go to Thalassery, he has to commence the journey on the

previous day.

4. On hearing either side, and considering the facts and circumstances of this case, this Court is of the view that it is just and convenient in the interest of justice to effect a transfer of all these cases to the Family Court, Kozhikode, so that the husband can attend the proceedings. As far as the wife is concerned, it takes only one hour and 15 minutes journey to reach the Family Court, Kozhikode from Mahe.

In the result, Tr.P.(C) No.188/2014 is allowed in part by transferring O.P.No.1707 of 2014 from the Family Court, Ernakulam, to the Family Court, Kozhikode. Tr.P.C.No.298 of 2015, Tr.P.C.No.305 of 2015, Tr.P.C.No.315 of 2015, and Tr.P.(Crl).No.56 of 2015 are allowed. OP 124 of 2015, OP 106 of 2015, OP 296 of 2015, OP 296 of 2015, and MC 153 of 2015 pending before the Family Court, Thalassery are transferred to the Family Court, Kozhikode.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

Tr.P.(C) 188/2015 & con. cases

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[True copy]

P.S. to Judge