

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 28TH DAY OF MAY 2015/7TH JYAISHTA, 1937

Tr.P(C).No. 197 of 2015

**TO TRANSFER OS 183/2013 OF MUNSIFF'S COURT, OTTAPPALAM TO FAMILY COURT,
OTTAPALAM.**

.....

PETITIONER/DEFENDANT:

**T.SUBHASHINI,
AGED 50 YEARS, D/O.LATE GOPALAN,
PULLIKKOTH MANNARAKKAL HOUSE,
CHERUMUNDASSERY, OTTAPALAM,
PALAKKAD - 679512.**

**BY ADVS.SRI.SANTHEEP ANKARATH
SRI.YJAFAR KHAN**

RESPONDENT/PLAINTIFF:

**BHARGAVI, D/O.NARAYANAN,
AMARAMANGALATH HOUSE, THOTTAKARA P.O,
OTTAPALAM, PALAKKAD - 679102.**

**THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 28-05-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

Tr.P(C).No. 197 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A1 : TRUE COPY OF PLAINT DATED 10.6.2013 IN O.S.NO.183/2013 ON
THE FILE OF THE MUNSIFF'S COURT, OTTAPALAM.

ANNEXURE A2 : TRUE COPY OF O.P.NO.150/2013 FILED BY THE PETITIONER
BEFORE THE FAMILY COURT, OTTAPALAM.

RESPONDENT'S ANNEXURES: - NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

B.KEMAL PASHA, J.

.....
Tr.P.(C) No.197 of 2015

.....
Dated this the 28th day of May, 2015

ORDER

The defendant in O.S.No.183/2013 of the Munsiff Court, Ottapalam seeks for a transfer of the case to the Family Court, Ottapalam where OP 150/2013 filed by her against her husband as well as the respondent herein, is pending. O.P.150/2013 was filed by the petitioner for getting the sale deed executed by the first respondent in O.P.No.150/2013 in favour of the respondent herein, who is the 2nd respondent in that OP, set aside, alleging that the said transfer was a fraudulent transfer coming within the meaning of Section 53 of the Transfer of Property Act. She has sought for a decree against the first respondent for the

return of her gold ornaments and money also. According to the petitioner, still she along with her child are residing in the building situated in the plaint schedule property in O.S.No.183/2013. The plaint schedule property is the property involved in O.P.No.150/2013. The present suit has been filed by the respondent herein as plaintiff seeking a decree of mandatory injunction for evicting the petitioner herein.

2. Even though notice has been served on the respondent, there is no representation for the respondent.

3. Heard the learned counsel for the petitioner. The dispute involved in O.S.No.183/2013 is in respect of the very same property involved in O.P.No.150/2013 pending before the Family Court, Ottapalam. In the OP, the petitioner is challenging the sale deed in favour of the present respondent executed by the first respondent in the OP, as a fraudulent transfer. Matters being so, O.S.No.183/2013 of the Munsiff Court, Ottapalam has necessarily to be

transferred to the Family Court, Ottapalam for disposal along with O.P.150/2013.

In the result, this Transfer Petition (Civil) is allowed and O.S.No.183/2013 pending before the Munsiff's Court, Ottapalam is transferred to the Family Court, Ottapalam, for disposal along with O.P.150/2013.

Sd/- B.KEMAL PASHA, JUDGE

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[True copy]

P.S. to Judge