

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

THURSDAY, THE 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937

Tr.P(C).No. 212 of 2015

(TO TRANSFER OP 490/2013 FROM FAMILY COURT,KOZHIKODE TO FAMILY
COURT, VADAKARA)

PETITIONER:

BHASKARAN SANKARAN, AGED 49 YEARS,
S/O. N.V.SANKARAN, NEELIVEETIL HOUSE, THEVARAD,
VIA-MEPPAYUR, KOZHIKODE - 673 524.

('VADAKARA' IS ADDED AFTER 'MEPPAYUR' VIDE ORDER DTD.9.4.15
IN I.A.914/15).

BY ADVS.SRI.M.G.SREEJITH
SRI.ABDUL JALEEL ONATH

RESPONDENT:

SAJITHA THOTTUNGAL, AGED 34 YEARS
D/O. THOTTUNGAL BHAKTHA VALASALAN, SREE LEKSHMI,
THOTTUNGAL HOUSE, P.O. BEYPORE,
KOZHIKODE-673 015.

("THROUGH HER POWER OF ATTORNEY: SUDHA, AGED 64 YRS,
W/O. BHAKTHA VALSALAN, THOTTUNGAL SREELEKSHMI,
THOTTUNGAL HOUSE, P.O. BEYPORE, KOZHIKODE - 673 015"
IS ADDED AFTER THE ADDRESS OF THE RESPONDENT VIDE ORDER
DTD.9.4.15 IN I.A.931/15).

THIS TRANSFER PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 09-04-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

P.BHAVADASAN, J.

Transfer Petition (Civil) No.212 OF 2015

Dated this the 9th day of April, 2015.

O R D E R

This is a petition filed under Section 24 of the Code of Civil Procedure seeking to have O.P.No.490/2013 pending before Family Court, Kozhikode transferred to Family Court, Vadakara.

2. Suffice to say that, the marital relationship between the petitioner and the respondent ran into rough weather and litigations began. The respondent instituted O.P.No.490/2013 before Family Court, Kozhikode for realisation of money and gold ornaments from the petitioner. Several allegations are made in the petition against the respondent which are not relevant for the purpose of disposal of the matter. The reason for seeking transfer is that the petitioner has fallen ill and he is undergoing dialysis. It is claimed that he has been abandoned by the petitioner. According to the petitioner, he has to undergo dialysis at least three times in a week and copy of the medical certificate showing the same is produced as Annexure A3. For the said

reason, he seeks transfer of the case to Family Court, Vadakara.

3. This Court is given to understand that the matter stands posted for evidence. Even assuming that the petitioner is sick and unable to attend the court, there is nothing which prevents the petitioner from seeking examination on commission to be issued from the court before which the matter is pending. The attempt to have the matter transferred when the case is posted for trial cannot be encouraged.

This Transfer Petition is without merits and it is accordingly dismissed.

Sd/-

**P.BHAVADASAN
JUDGE**

smp

// True Copy //

P.A. To Judge.