

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 10TH DAY OF JUNE 2015/20TH JYAISHTA, 1937

Tr.P(C).No. 216 of 2015

**TO TRANSFER OPDIV 455/2013 OF FAMILY COURT, THALASSERY TO FAMILY COURT,
KALPETTA(WAYANAD)**
.....

PETITIONER/RESPONDENT:

**M.M.SMITHA,D/O.MADHAVAN,
AGED 35 YEARS, MALLAPPILLIL HOUSE,
KUZHINILAM, MANTHAVADY TALUK,
WAYANAD DISTRICT, PIN-670 645.**

**BY ADVS.SRI.V.MANOJ KUMAR
SRI.IYPE JOSEPH**

RESPONDENT/PETITIONER:

**SHYJU KURIYA,
S/O.GOPALAN POTHEN, AGED 39 YEARS,
KURIYA HOUSE, PERAVOOR AMSOM,
DESOM, KANNUR DISTRICT, PIN-670 673.**

BY ADV. SRI.V.BINOY RAM

**THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 10-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONER'S ANNEXURES:

- ANNEXURE A1 :** TRUE COPY OF MEMORANDUM OF ORIGINAL PETITION IN O.P.NO.455 OF 2013, PENDING ON THE FILES OF THE FAMILY COURT THALASSERY FILED BY THE RESPONDENT.
- ANNEXURE A2 :** TRUE COPY OF THE PETITION IN M.C.NO.105 OF 2013 PENDING ON THE FILES OF THE FAMILY COURT WAYANAD FILED BY THE PETITIONER.
- ANNEXURE A3 :** TRUE COPY OF ORDER OF THE HON'BLE HIGH COURT OF KERALA, IN TR.P(CRL)NO.113 OF 2014, DATED 10.3.2015 FILED BY THE RESPONDENT.

RESPONDENTS' ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE

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B.KEMAL PASHA, J.

.....
Tr.P.(C) No.216 of 2015
.....

Dated this the 10th day of June, 2015

ORDER

Petitioner seeks the transfer of OP(Div)No.455/2013 pending before the Family Court, Thalassery to the Family Court, Kalpatta, where MC 105/2013 filed by the petitioner is pending. OP 455/2013 has been filed by the respondent herein, who is the husband of the petitioner, for declaring the marriage as null and void. The petitioner is residing at a place called Kuzhinilam in Mananthavady Taluk in Wayanad District. She finds it difficult to travel all the way from Wayanad to the Family Court at Thalassery for attending the case. Hence she prays for a transfer.

2. Heard learned counsel for the petitioner and the

learned counsel for the respondent.

3. Even though the learned counsel for the respondent has forwarded an objection in transferring the case from the Family Court, Thalassery to the Family Court, Kalpatta, Wayanad, on going through the facts and circumstances of the case, and on hearing the submissions of the learned counsel for the petitioner, this Court is satisfied that it is just and convenient in the interest of justice to grant the relief as sought for. Hence this petition is only to be allowed and I do so.

In the result, this Transfer Petition is allowed and O.P.No.455 of 2013 pending before the Family Court, Thalassery is transferred to the Family Court, Kalpatta, Wayanad.

Sd/- B.KEMAL PASHA, JUDGE

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[True copy]

P.S. to Judge