

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.KEMAL PASHA

THURSDAY, THE 4TH DAY OF JUNE 2015/14TH JYAISHTA, 1937

Tr.P(C).No.235 of 2015

OP NO.139/2015 of FAMILY COURT, OTTAPPALAM.

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PETITIONER:

**APARNA C.R,D/O.RAMAKRISHNAN,
VARADHA HOUSE,IRIMBILYAM (P.O),
PIN - 679 572,MALAPPURAM DISTRICT.**

BY ADV.SRI.JAMSHEED HAFIZ

RESPONDENT:

**SAJITH SREEKUMAR,S/O.P.V.SREEKUMARAN UNNI,
SHELTER HOUSE,KALLADIPATTA (P.O),
PIN - 679 313,PATTAMBI TALUK,
MALAPPURAM DISTRICT.**

BY ADV.SRI.R.SREEHARI

**THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 04-06-2015, ALONG WITH TPC 296/2015 THE COURT ON THE SAME
DAY PASSED THE FOLLOWING:**

pk

Tr.P(C).No.235 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

**ANNEX A1:TRUE COPY OF THE O.P 221/2015 BEFORE THE FAMILY COURT,TIRUR
DATED 27.3.2015.**

**ANNEX A2:TRUE COPY OF THE M.C.156/2015 BEFORE THE FAMILY COURT,TIRUR
DATED 27.3.2015.**

**ANNEX A3:TRUE COPY OF THE O.P.139/2015 BEFORE THE FAMILY COURT,
OTTAPALAM DATED 16.3.2015.**

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

pk

B. KEMAL PASHA, J.

.....
Tr.P.(C) Nos.235 and 296 of 2015
.....

Dated this the 4th day of June, 2015

ORDER

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Tr.P.(C) No.235/2015 is filed by the wife and Tr.P.  
(C) No.296/2015 is filed by the husband. Tr.P.(C)  
No.235/2015 is filed by seeking the transfer of OP.139/2015  
pending before the Family Court, Ottapalam to the Family  
Court, Tirur. According to the petitioner in Tr.P.(C)  
No.235/2015, she has filed OP.221/2015 seeking return of  
gold ornaments and MC.156/2015 seeking maintenance,  
before the Family Court, Tirur, where those matters are  
pending even now. According to her, her husband has filed  
OP.139/2015 before the Family Court, Ottapalam seeking  
divorce. It is the case of the petitioner that she is residing  
within the jurisdiction of the Family Court, Tirur and it is not  
be possible her to travel all the way from Tirur to Ottapalam.  
According to the petitioners in Tr.P.(C) No.296/2015, the 3<sup>rd</sup>

petitioner is the husband, and petitioners 1 and 2 are his parents. The 3<sup>rd</sup> petitioner is at Bangalore. According to him, his parents, who are petitioners 1 and 2, are aged and they will find it difficult to travel all the way from Ottapalam to Tirur for contesting the matter involved in OP.221/2015 in which they are also parties. They need not always attend the court when the 3<sup>rd</sup> petitioner is also there to contest the proceedings. Their presence need only be insisted on specific postings, wherein their presence is required. On all other occasions, their presence can be dispensed with. Considering the facts and circumstances of the case and on hearing either side, this Court is of the view that Tr.P.(C) No.235/2015 can be allowed and Tr.P.(C) No.296/2015 can be dismissed.

In the result, Tr.P.(C) No.296/2015 is dismissed. Tr.P.(C) No.235/2015 is allowed and OP.139/2015 pending before the Family Court, Ottapalam is ordered to be transferred to the Family Court, Tirur.

The Family Court, Tirur is directed not to insist the personal appearance of the petitioners in Tr.P(C) No.296/2015 on posting dates of the case of OP.221/2015 except on specific posting dates in which their presence is required.

Sd/-  
**(B.KEMAL PASHA, JUDGE)**

aks/04/06

*// True Copy //*

*PA to Judge*