

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 14TH DAY OF JULY 2015/23RD ASHADHA, 1937

Tr.P(C).No. 311 of 2015

**TO TRANSFER O.P.NO.560/2015 OF FAMILY COURT, THIRUVANANTHAPURAM TO
FAMILY COURT, CHAVARA**

PETITIONER(S)/PETITIONER:

**NITA RAJU ISSAC, AGED 31 YEARS,
D/O.ISSAC P.RAJU, PALAKKASSERIL, 28/50,
NANMA NAGAR, THARAYILMUKKU, PADA-SOUTH,
KARUNAGAPPALLY.P.O, KOLLAM.**

**BY ADVS.SRI.K.SIJU
SMT.S.SEETHA**

RESPONDENT(S) :

**SANTHOSH SEBASTIAN, AGED 32 YEARS,
S/O.SEBASTIAN RAJ, ROSE HOUSE, M.G.R.A-3,
MELARANNOOR, KARAMANA.P.O,
THIRUVANANTHAPURAM- 695 002.**

BY ADV. KUM.D.MINI RAJAN

**THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 14-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

Tr.P(C).No. 311 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE I: THE COPY OF PETITION IN O.P.NO.560/2015 ON THE FILE OF
FAMILY COURT, THIRUVANANTHAPURAM AND THE NOTICE
FOR APPEARANCE.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

B. KEMAL PASHA, J.

.....
Tr.P.(C) No.311 of 2015
.....

Dated this the 14th day of July, 2015

ORDER

~ ~ ~ ~ ~

Petitioner wife seeks the transfer of O.P.No.560/2015 of the Family Court, Thiruvananthapuram filed by the respondent husband seeking dissolution of marriage, to the Family Court, Chavara. According to the petitioner, she is residing at Karunagappally within the jurisdiction of the Family Court, Chavara.

2. The respondent has filed a detailed counter affidavit contending that both the children were in the care and custody of the respondent and both children were forcibly taken away by the in-laws of the respondent and presently, they are at Karunagappally. Consequently, he had to file an OP(Guardian Ward) before the Family Court, Chavara seeking the custody of the children. It is also contended that the petitioner is employed at Dubai and she

is permanently residing in Dubai. The passports of the children are still with the respondent, which shows that the respondent came from Dubai with the children. The petitioner is being represented through her Power of Attorney Holder. The convenience of the Power of Attorney Holder is not a question that can be considered while considering the question as to whether the transfer is for just and convenient reason. It is open to the petitioner to move this Court again in case a transfer is required when she comes to India and starts residing within the jurisdiction of the Family Court, Chavara.

With the said observations, this Tr.P(C) is dismissed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/14/07

// True Copy //

PA to Judge