

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 23RD DAY OF NOVEMBER 2015/2ND AGRAHAYANA, 1937

Tr.P(C).No. 326 of 2015 ()

OS. NO.189/2010 OF SUB COURT, TIRUR.

PETITIONER/1ST DEFENDANT IN OS NO. 189 OF 2010:

**DR. VIJAYAGOPALAN,
S/O.DAMODARAN NAIR, TIRUR TALUK,
TRIPRANGODE P.O., MALAPPURAM DISTRICT.**

**BY ADVS.SRI.P.CHANDRASEKHAR,
SRI.S.PRASANTH,
SRI.SOORAJ T.ELENJICKAL,
SMT.P.M.MAZNA MANSOOR.**

RESPONDENTS/PLAINTIFFS AND DEFENDANTS 2 TO 8 IN OS NO 189 OF 2010:

- 1. RAJEESH POOKKAYIL,
S/O.POOKKAYIL VASANTHAKUMARI,
VASANTHANILAYAM, TRIKKANDYOOR AMSOM,
THEKKUMMURI DESOM, P.O. THEKKUMMURI,
MALAPPURAM DISTRICT, PIN- 676 105.**
- 2. SUDHEER POOKKAYIL,
S/O. POOKKAYIL VASANTHAKUMARI,
VASANTHANILAYAM, TRIKKANDYOOR AMSOM,
THEKKUMMURI DESOM, P.O. THEKKUMMURI,
MALAPPURAM DISTRICT, PIN -676 105.**
- 3. POOKKAYIL VASANTHAKUMARI,
D/O. DAMODARAN NAIR, VASANTHANILAYAM,
TRIKKANDYOOR AMSOM, THEKKUMMURI DESOM,
P.O. THEKKUMMURI, MALAPPURAM DISTRICT-676 105.**
- 4. POOKKAYIL UNNIKRIISHNAN,
S/O. DAMODARAN NAIR, "GANGADHARN NIVAS",
GANGADHARA NIVAS, TIRURANGADI TALUK,
NEDUVAMSOM DESOM, P.O. CHETTIPADY,
MALAPPURAM DISTRICT, PIN -676 319.**

5. DINES POOKKAYIL,
S/O. POOKKAYIL VASANTHAKUMARI,
VASANTHANILAYAM, TRIKKANDYLOOR AMSOM,
THEKKUMMURI DESOM, P.O. THEKKUMMURI,
MALAPPURAM DISTRICT, PIN- 676 105.
6. M.K. RAJASHREE,
W/O.DINES POOKKAYIL, VASANTHANILAYAM,
TRIKKANDYLOOR AMSOM, THEKKUMMURI DESOM,
P.O. THEKKUMMURI, MALAPPURAM DISTRICT-676 105.
7. SREELEKHA K.,
W/O. LATE POOKKAYIL SURESHKUMAR,
PRINCIPAL, JAWAHAR NAVODAYA VIDHYALAYA, KALUKHEDA,
RATKLAM DISTRICT, MADHYAPRADESH, PIN -457 340.
8. MALAVIKA (MINOR), AGED 15 YEARS,
D/O. LATE POOKKAYIL SURESHKUMAR,
REPRESENTED BY HER MOTHER AND NATURAL
GUARDIAN SREELKHA .K., PRINCIPAL,
JAWAHAR NAVODAYA VIDHYALAYA, KALUKHEDA,
RATKLAM DISTRICT, MADHYAPRADESH, PIN -457 340.
9. ADITYA (MINOR), AGED 13 YEARS,
S/O. LATE POOKKAYIL SURESHKUMAR,
REPRESENTED BY HER MOTHER AND NATURAL
GUARDIAN SREELKHA .K., PRINCIPAL,
JAWAHAR NAVODAYA VIDHYALAYA, KALUKHEDA,
RATKLAM DISTRICT, MADHYAPRADESH, PIN -457 340.

R2 & R3 BY ADV. SMT.N.DEEPA.

THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 23-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

**ANNEXURE A1 COPY OF THE PLAINT IN O.S. NO.189/2010 BEFORE THE
SUB COURT, TIRUR.**

**ANNEXURE A2 COPY OF THE WRITTEN STATEMENT FILED BY THE
PETITIONER IN O.S. NO.189/2010 ON THE FILE OF
SUB COURT, TIRUR.**

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

K. ABRAHAM MATHEW, J.

Tr.P.(C)No.326 of 2015

Dated this the 23rd day of November, 2015

O R D E R

Petitioner is the plaintiff in OS.223 of 2009 and the first defendant in O.S.189 of 2010 of Sub Court, Tirur. Both are for partition. The fifth respondent who is one of the defendants is an advocate practising in the court in which the suits are pending. It is alleged that the petitioner was compelled to engage a counsel from Kozhikode Bar as no advocate of Tirur Bar was willing to take up his case. It is further alleged that the lawyer engaged by him is now not willing to come over to Tirur frequently to conduct the case. The request is to transfer the suits to Sub Court, Kozhikode.

2. Heard.

3. I am not satisfied that the ground mentioned in the transfer petition is a valid ground to order transfer of the suits. Since the suits are for partition only the court within the whose jurisdiction the properties are situated can be allowed to try them. But having regard to the facts

of the case I am inclined to direct the trial court to dispose of the suits before the court closes for summer vacation in 2016.

In the result this transfer petition is disposed of with a direction to the learned Sub Judge to dispose of the two suits before the court closes for summer vacation in 2016.

sd/-
K. ABRAHAM MATHEW
JUDGE

R.AV

//True Copy//

PA to Judge