

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

Tr.P(Crl.).No. 12 of 2015

**TRANSFER MC 324/2014 OF FAMILY COURT, NEDUMANGAD TO FAMILY COURT,
NEDUMANGAD.**
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PETITIONER:

**ANIL KUMAR, AGED 36 YEARS,
S/O.PONNAPPAN ACHARI, RAJALEKSHMI COTTAGE,
PAZHAYANADA MADANNADA, KALLARA VILLAGE,
NEDUMANGAD TALUK, KOLLAM DISTRICT.**

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

RESPONDENT(S):

- 1. SUCHITHRA, AGED 23 YEARS,
D/O.SWARNA KUMAR, ARYA BHAVAN,
MUTHAYIL MURI, CHITHARA VILLAGE,
KOTTARAKARA TALUK, KOLLAM DISTRICT - 691 506.**
- 2. ANAMIKA, D/O.SUCHITHRA, ARYA BHAVAN,
MUTHAYIL MURI, CHITHARA VILLAGE,
KOTTARAKKARA TALUK, KOLLAM DISTRICT
(MINOR REPRESENTED BY HER MOTHER
1ST RESPONDENT.)**

R1 & R2 BY ADV. SRI.M.R.SARIN

**THIS TRANSFER PETITION (CRIMINAL) HAVING COME UP FOR
ADMISSION ON 08-04-2015, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:**

mbr/

APPENDIX

PETITIONER'S ANNEXURES:

- ANNEXURE 1 :** THE COPY OF PLAINT IN OP NO.315/2014 PENDING BEFORE THE FAMILY COURT, KOTTARAKKARA FILED BY THE 1ST RESPONDENT DATED 4.4.2014.
- ANNEXURE 2 :** THE COPY OF OP. NO.369/2014 PENDING BEFORE THE FAMILY COURT, KOTTARAKKARA FILED BY THE PETITIONER DATED 26.4.2014.
- ANNEXURE 3 :** THE COPY OF PLAINT IN OP(G & W) NO.368/2014 FILED BY THE PETITIONER BEFORE THE FAMILY COURT, KOTTARAKKARA DATED 26.4.2014.
- ANNEXURE 4 :** THE COPY OF PETITION IN M.C.NO.324/2014 FILED BEFORE THE FAMILY COURT, NEDUMANGAD BY THE 1ST RESPONDENT ON 25.8.2014.

RESPONDENT'S ANNEXURES:

- ANNEXURE R1(1) :** THE TRUE COPY OF THE TAX RECEIPT ISSUED BY THE VILLAGE OFFICER PANGODE TO THE PETITIONER.
- ANNEXURE R1(2) :** THE TRUE COPY OF OWNERSHIP CERTIFICATE ISSUED BY SECRETARY PANGODE GRAMA PANCHAYATH.

/TRUE COPY/

P.S. TO JUDGE

mbr/

P. UBAID, J.

Tr.P.(CrI)No.12 of 2015

Dated this the 8th day of April, 2015

O R D E R

The petitioner herein is the respondent in M.C.No.324/2014 before the Family Court, Nedumangad. This is a claim for maintenance for his wife and daughter under Section 125 Cr.P.C. He seeks transfer of the said case to the Family Court, Kottarakkara, on the ground that three other petitions between the parties are pending before the Family Court, Kottarakkara. The respondents herein entered appearance and objected the prayer for transfer.

2. On hearing both sides, I find that O.P.No.315/2014 brought by the wife against the husband for recovery of ornaments, and another O.P.No.369/2014 brought by the husband for restitution of conjugal rights are now pending before the Family Court, Kottarakkara. It is submitted that another original petition filed by the husband for custody of children stands dismissed by the Family Court, Kottarakkara. Any way, two other matters are admittedly now pending before the Family Court, Kottarakkara. In such a circumstance, transfer of the case from Nedumangad to Kottarakkara will not cause any hardship or

prejudice to the respondents herein. The transfer petition shows that the respondents are in fact residents of Chithara within the limits of Kottarakkara. If so, it will definitely be convenient to the respondents to appear in the Family Court, Kottarakkara. I find that the request made by the petitioner can be allowed.

In the result, this petition is allowed. M.C.No.324/2014 of the Family Court, Nedumangad will stand transferred to the Family Court, Kottarakkara, where the other cases between the parties are pending. The learned Judge of the Family Court, Nedumangad will transmit the records of M.C.No.324/2014 to the Family Court, Kottarakkara, without any delay.

Sd/-

P. UBAID, JUDGE

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