

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 10TH DAY OF MARCH 2015/19TH PHALGUNA, 1936

Tr.P(Crl.).No. 23 of 2015

IN C.M.P NO.346/2014 of FAMILY COURT, OTTAPPALAM

PETITIONER/PETITIONER:

M.R.GIRIJA,
D/O.RAMANKUTTY, SARASWATHY NILAYAM,
KANJIMANI P.O,
KALLADIKODE, MANNARKKAD TALUK,
PALAKKAD.

BY ADV. SRI.VINOD KUMAR.C

RESPONDENT/RESPONDENT:

P.HARIDAS,
S/O.KUTTAPPAGUPTHAN, NO.53,
RAM NAGAR COLONY,
CHUNNABUTHARA P.O.,
PALAKKAD - 678 012.

THIS TRANSFER PETITION (CRIMINAL) HAVING COME UP FOR
ADMISSION ON 10-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Tr.P(Crl.).No. 23 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE 1: COPY OF THE ORDER IN M.C NO.24/2014 DATED 15.5.2014
OF FAMILY COURT, OTTAPPALAM

ANNEXURE 2: COPY OF M.C NO.346/2014 DATED 17.7.2014 OF FAMILY
COURT, OTTAPPALAM

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Tr.P (Crl) No.23 of 2015

Dated this the 10th day of March, 2015

O R D E R

The petitioner herein is the legally wedded wife of the respondent. She filed a maintenance claim against her husband before the Family Court, Palakkad as M.C No.372/2011. Pending the proceeding there, a Family Court was established at Ottappallam. On the ground of territorial jurisdiction the petitioner's M.C 372/2011 was transferred to the Family Court, Ottappalam, and it was finally decided there. Accordingly, by order dated 15.5.2014 the Family Court, Ottappalam granted maintenance in her favour at the rate of ₹3,000/- per month. The maintenance claim was refiled in the Family Court, Ottappalam as M.C No.24/2014. The petitioner is infact a resident of Kalladikode which is far away from Ottappalam. But her husband is a resident of Chunnambuthara which is within a short distance from Palakkad. The claim being disposed of by the Family Court, Ottappalam, the petitioner will have to file execution petition also before the Family Court, Ottappalam.

Thus C.M.P No.346/2014 filed by her is now pending before the Family Court, Ottappalam. She now seeks transfer of the said proceeding to the Family Court, Palakkad, on the ground that attending the Family Court at Ottappalam will cause much hardship and inconvenience to her. Of course it is true that the territorial jurisdiction is with the Family Court, Ottappalam. Ordering transfer of proceeding to Palakkad will not in any manner cause any sort of inconvenience or hardship to the husband when he is a resident within the Family Court, Palakkad. He remained absent inspite of notice. What the petitioner practically wants is permission to file execution petitions in the Family Court, Palakkad. I find that the petitioner will have to travel a long distance to the Family Court at Ottappalam when she is a resident of Kakkadikode which is within a short distance from the Family Court, Palakkad. In deciding matters like this, the Court will have to consider the object of the law also. If transfer is allowed as requested, it will not cause any hardship to the husband in the present circumstances.

In the result, this Criminal Miscellaneous Case is allowed. C.M.P No.346/2014 before the Family Court,

Ottappalam will stand transferred to the Family Court, Palakkad. The petitioner is permitted to file execution in the Family Court, Palakkad. The learned Family Court Judge, Ottappalam will transmit the records of C.M.P No.346/2014 to the Family Court at Palakkad without any delay. On receipt of records there notice to both sides shall be issued from the Family Court, Palakkad.

**P.UBAID
JUDGE**

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