

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 18TH DAY OF MARCH 2015/27TH PHALGUNA, 1936

Tr.P(Crl.).No. 24 of 2015 (B)

MC 136/2013 of J.M.F.C.-I, ALUVA

PETITIONERS/PETITIONERS:-:

1. PRIYANKA REJEESH, AGED 27 YEARS
S/O.ARAVINDASHAN AND W/O.REJEESH RAJAN
'KARAMALA PUTHEN VEEDU', EZHUMATTOOR P.O.
PERUMPATTY VILLAGE, THIRUVALLA TALUK, THIRUVALLA
NOW RESIDING AT C/O.RAMDAS, NOCHIMA P.O., NOCHIMA
ERNAKULAM.
2. RAKESH R.RAJ (MINOR),
S/O.REJEESH RAJAN, 'KARAMALA PUTHEN VEEDU'
EZHUMATTOOR P.O., PERUMPATTY VILLAGE, THIRUVALLA TALUK
THIRUVALLA, NOW RESIDING AT C/O.RAMDAS, NOCHIMA P.O.
NOCHIMA, ERNAKULAM
REPRESENTED BY HIS MOTHER PRIYANKA.
3. PRIYESH R.RAJ (MINOR),
S/O.REJEESH RAJAN, 'KARAMALA PUTHEN VEEDU'
EZHUMATTOOR P.O., PERUMPATTY VILLAGE, THIRUVALLA TALUK
THIRUVALLA, NOW RESIDING AT C/O.RAMDAS, NOCHIMA P.O.
NOCHIMA, ERNAKULAM
REPRESENTED BY HIS MOTHER PRIYANKA.

BY ADVS.SRI.JAGAN ABRAHAM M.GEORGE
SRI.P.JAYABAL MENON

RESPONDENT:

REJEESH RAJAN, AGED 35 YEARS
S/O.RAJAN U.N., 'RAJESWARI', PALACE ROAD
KIZHAKKE CHALAKUDY VILLAGE, MUKUNDHAPURAM, CHALAKKUDY
THRISSUR - 680307.

PUBLIC PROSECUTOR, SMT.S.HYMA

THIS TRANSFER PETITION (CRIMINAL) HAVING COME UP FOR
ADMISSION ON 18-03-2015, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

Tr.P(Crl.).No. 24 of 2015 (B)

APPENDIX

PETITIONERS' EXHIBITS

ANNEXURE A: A TRUE COPY OF THE PETITION IN M.C.136/13 ON THE FILES
OF JUDICIAL FIRST CLASS MAGISTRATE'S COURT -1, ALUVA.

ANNEXURE B: A TRUE COPY OF THE ELECTION IDENTITY CARD OF THE
PETITIONER ISSUED BY THE ELECTION COMMISSION OF INDIA.

ANNEXURE C: A TRUE COPY OF THE IA.246/15 IN GOP.722/14 ON THE
FILES OF FAMILY COURT, ERNAKULAM.

RESPONDENTS' EXHIBITS : NIL

// TRUE COPY //

PA to Judge

dl

P.UBAID, J.

Tr.P.(Crl.) No. 24 of 2015

Dated this the 18th day of March, 2015.

O R D E R

The petitioners herein are the petitioners in M.C No.136 of 2013 before the Judicial First Class Magistrate Court-I, Aluva. It is a proceeding brought under Section 12(1) of the Protection of Women from Domestic Violence Act (DV Act). The petitioners seek transfer of the said case to Thiruvalla on the ground that two other proceedings brought by the first petitioner against the respondent are now pending before the Family Court, Thiruvalla. The respondent remained absent in spite of notice. It appears that he has no objection in transferring the DV Act proceeding as requested by the petitioner. O.P No.8 of 2015 for Restitution of Conjugal Rights filed by the first petitioner herein, and M.C No.5 of 2015 brought under Section 125 Cr.P.C are also pending now before the Family Court, Thiruvalla. If the DV Act proceeding is transferred from Aluva to Thiruvalla, it will be convenient for all the parties, and it will not cause any hardship or harm to the

respondent, who will have to attend the court at Thiruvalla in the other proceeding. I find no reason to deny the relief sought by the petitioner.

In the result, this petition is allowed. M.C 136 of 2013 will stand transferred from the Judicial First Class Magistrate Court- I, Aluva to the Judicial First Class Magistrate Court-I, Thiruvalla. The learned Magistrate at Aluva will immediately transmit the records in the case to the other court, from where notice for appearance shall be given both the parties.

Sd/-

P.UBAID,
JUDGE

sab