

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 30TH DAY OF JUNE 2015/9TH ASHADHA, 1937

Tr.P(C).No. 174 of 2014

OP 231/2013 OF FAMILY COURT, KATTAPPANA, IDUKKI

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PETITIONER(S)/RESPONDENT NO.1:

SHEEBA JOSEPH @ SHEEBA, AGED 28 YEARS,
D/O.JOSEPH, AMAKKATTU HOUSE, UDAYAGIRI P.O.,
ALAKODE VILLAGE, TALIPARAMBA TALUK,
KANNUR DISTRICT - 670 571.

BY ADV. SRI.V.T.MADHAVANUNNI

RESPONDENT(S)/PETITIONER & RESPONDENT NO.2 & 3:

1. BINU C.L., AGED 39 YEARS,
S/O.LUCKACHAN, CHELANIKKUMTHADATHIL HOUSE,
MURIKKASSERI P.O., VATHIKUDY VILLAGE, UDUMBANCHOLA TALUK,
IDUKKI DISTRICT - 685 604.
2. SHAMOL @ JYOTHI, AGED 31 YEARS,
D/O.JOSEPH, AMAKKATTU HOUSE, UDAYAGIRI P.O.,
ALAKODE VILLAGE, TALIPARAMBA TALUK,
KANNUR DISTRICT - 670 571.
3. JOSEPH, AGED 68 YEARS,
S/O.JOSEPH, AMAKKATTU HOUSE, UDAYAGIRI P.O.,
ALAKODE VILLAGE, TALIPARAMBA TALUK,
KANNUR DISTRICT - 670 571.

R1 BY ADVS. SRI.ABDUL JALEEL.A
SMT.M.A.SULFIA

THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
30-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

msv/

APPENDIX

PETITIONER(S)' ANNEXURES:

ANNEXURE A1: TRUE COPY OF THE PETITIONER IN OP.NO.231/2013 ON THE FILE OF FAMILY COURT, KATTAPPANA.

ANNEXURE A2: TRUE COPY OF THE PETITION IN MC.NO.14/2014 OF FAMILY COURT, KANNUR.

RESPONDENT(S)' ANNEXURES:

ANNEXURE R1(1): TRUE COPY OF REPLY RECEIVED FROM FAMILY COURT, KANNUR IN MC 14/2014.

ANNEXURE R1(2): TRUE COPY OF ORDER PASSED BY LEARNED FAMILY COURT, KATTAPANA IN OP (DECLARATION) NO.231/2014 DTD.1`4.1.2015.

ANNEXURE R1(3): A TRUE COPY OF THE ADMISSION - DISCHARGE CERTIFICATE DTD. 3.12.2013 PRODUCED BY PARIYARAM MEDICAL COLLEGE HOSPITAL, KANNUR.

//TRUE COPY//

P.S.TO JUDGE

Msv/

B.KEMAL PASHA, J.

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Dated this the 30th day of June, 2015

ORDER

The petitioner is seeking the transfer of O.P.No.231 of 2013 of the Family Court, Kattappana to the Family Court, Kannur. The petitioner is residing at Udayagiri in Alakode Village in Kannur District. The 1st respondent herein has filed O.P.No.231 of 2013 seeking return of gold ornaments. According to the petitioner, it is not possible for her to travel all the way from Kannur to Kattappana for attending the case.

2. Heard the learned counsel for the petitioner and the

learned counsel for the respondents.

3. The learned counsel for the respondents has pointed out that already there is a decree passed against the petitioner by the Family Court, Kattappana in O.P. (Declaration) No.231 of 2014, thereby declaring the marriage as null and void. It is evident from that judgment that the said judgment was passed exparte. It is a fact that the petitioner could not attend the Family Court, Kattappana to contest the said matter as she had to travel all the way from Kannur.

4. The learned counsel for the respondents has pointed out that the petitioner has not cared to attend the case filed by her before the Family Court, Kannur also. On hearing either side and on considering the facts and circumstances of the case, this Court is satisfied that it is just and convenient in the interest of justice to transfer O.P.No.231 of 2013 of the Family Court, Kattappana to the Family Court, Kozhikode for enabling the parties to attend

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the matter.

In the result, this Transfer Petition (Civil) is allowed and O.P.No.231 of 2014 of the Family Court, Kattappana is transferred to the Family Court, Kozhikode.

Sd/-

B.KEMAL PASHA
JUDGE

DSV/30/6/15