

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

FRIDAY, THE 22ND DAY OF MAY 2015/1ST JYAISHTA, 1937

Tr.P(Crl.).No. 46 of 2015 (B)

MC 70/2014 of FAMILY COURT, PALA

PETITIONER:

K.N.NARAYANAN
KANDANANICKAL HOUSE, UZHAVOOR
MEENACHIL TALUK, KOTTAYAM DISTRICT.

BY ADV. SRI.A.K.HARIDAS

RESPONDENTS:

1. C.S.PRASANNAKUMARI
GREESHMA NIVAS, ETTUMANOOR P.O
ETTUMANOOR VILLAGE KOTTAYAM TALUK - 686 101.

2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 31

R2 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE

THIS TRANSFER PETITION (CRIMINAL) HAVING COME UP FOR
ADMISSION ON 22-05-2015, THE COURT ON THE SAME DAY PASSED
THE FOLLOWING:

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APPENDIX

PETITIONER'S EXHIBITS:

ANNEXURE P-1: TRUE COPY OF M.C.NO.70/2014 OF FAMILY COURT, PALA.

ANNEXURE-P2: TRUE COPY OF OBJECTION.

ANNEXURE-P3: TRUE COPY OF PETITION.

RESPONDENTS' EXHIBITS: NIL

// TRUE COPY //

P.A TO JUDGE.

ALEXANDER THOMAS, J.

Tr.P(Crl).No.46 Of 2015.

Dated this the 22nd day of May, 2015.

ORDER

The Transfer Petition (Crl) has been filed seeking the prayer for a direction to transfer Maintenance Case, M.C.No.70/2014 now pending on the file of the Family Court, Pala to the Family Court, Ettumanoor. It is averred that the respondent-wife had filed the above said M.C.No.70/2014 before the Family Court, Pala which is now pending there. Further it is stated that the petitioner (husband) herein and the respondent (wife) herein are residing very near to the Family Court, Ettumanoor and that the respondent-wife is residing in a walkable distance from the Family Court, Ettumanoor. The petitioner is also residing at Ettumanoor. It is pointed out by the learned counsel for the petitioner that it is clear from Annexure-1 memorandum of Maintenance Case filed before the Family Court, Pala, that the address of the respondent is mentioned at Ettumanoor. It is in these circumstances, the aforementioned prayer for seeking transfer the case from Family Court, Pala to the Family Court, Ettumanoor, has been made in this petition.

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2. This Court had ordered notice by special messenger to the respondent on 6.4.2015 and it is endorsed by the Registry on 9.4.2015 that notice has been returned signed and that the service to the respondent is complete. The respondent has not entered appearance. As these averments in the petition have been un-rebutted by the respondent, it is only to be held that these averments are factually correct and stands admitted by the respondent.

3. In view of the aforementioned facts and circumstances, it is ordered in the interest of justice that M.C.No.70/2014 now pending on the file of the Family Court, Pala shall stand transferred to the Family Court, Ettumanoor. The Family Court, Pala will transfer and transmit the entire case records in relation to M.C.No.70/214 to the Family Court, Ettumanoor and the latter court without any further delay shall number the matter and issue notice to both sides and will attempt to dispose of the matter finally without much delay.

With these observations and directions, the Transfer Petition (Crl) stands finally disposed of.

ALEXANDER THOMAS,
Judge.

bkn/-