

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 23RD DAY OF JULY 2015/1ST SRAVANA, 1937

Tr.P(Crl.).No. 51 of 2015 ()

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(TO TRANSFER MC.NO. 33/2015 OF FAMILY COURT, MALAPPURAM TO THE FAMILY  
COURT, OTTAPPALAM)

PETITIONER :  
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ATHIKA, AGED 40 YEARS,  
D/O.(LATE) SAIDALI, VAYYATTUKAVIL HOUSE,  
RAHATH QUARTERS, MANNARMALA ROAD, PERINTHALMANNA,  
NOW RESIDING AT KAKKADAVATH HOUSE, V.K.KADAV ROAD,  
NANGATTIRI, PATTAMBI, PALAKKAD DISTRICT.

BY ADV. SRI.A.HAROON RASHEED

RESPONDENT :  
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SAINUDHEEN @ KUNCHIBABU.A.K, AGED 55 YEARS,  
S/O.ABDUL RASAK, ATHANMANAKATH HOUSE,  
G.J.B. SCHOOL ROAD, PALAPPURAM, OTTAPPALAM,  
PALAKKAD DT. PIN-679 101.

THIS TRANSFER PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION  
ON 23-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

sts

Tr.P(Crl.).No. 51 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEX 1      COPY OF THE M.C.NO.33/2015 PENDING BEFORE THE FAMILY COURT,  
MALAPPURAM.

RESPONDENT'S ANNEXURES:                      NIL

/TRUE COPY/

P.A.TO JUDGE

sts

ALEXANDER THOMAS, J.

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Tr.P.(Crl.) No.51 of 2015

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Dated this the 23<sup>rd</sup> day of July, 2015

O R D E R

The prayer in this Transfer Petition (Crl.) is for direction of this Court to transfer M.C.No.33/2015 on the file of Family Court, Malappuram to Family Court, Ottappalam.

2. It is pointed out that the petitioner had earlier filed M.C.No.33/2015 before the Family Court, Malappuram on the reason that petitioner was last residing with the respondent husband at Perinthalmanna. It is further pointed out that petitioner is permanently residing in her parental home at Pattambi and she has to travel more than 50Km. to reach the Family Court, Malappuram. That she has no parents and suffering from many ailments and that there is none to accompany her to reach the Family Court, Malappuram. Moreover the children of the petitioner are also with the respondent, at Ottappalam. It is pointed out that the petitioner's present residence at Pattambi, which is within the territorial jurisdiction of the Family Court, Ottappalam and that the

respondent is also residing within the limits of the Family Court, Ottappalam. The respondent's address in the cause title is shown as,

“ Sainudheen @ Kunchibabu A.K. Aged 55 years,  
S/o. Abdul Rasak, Athanmanakath House,  
G.J.B. School Road, Palappuram, Ottappalam,  
Palakkad Dt. 679 101.”

3. Though the respondent has been served, as per the endorsement made by the Registry on 09/07/2015, none appears for the respondent. It is pointed out that the Family Court, Ottappalam is equally convenient for both the petitioner and the respondent. These averments of the petitioner are not rebutted by the respondent. Ordinarily the court will take into account with more sensitivity and concern the inconveniences and hardships that may have to be suffered by the lady in such family litigations. Accordingly in the interest of justice it is ordered that the Family Court, Malappuram shall forthwith transfer M.C.33/2015 now pending on its file to the Family Court, Ottappalam. This shall be done within a period of two weeks from the date of receipt of certified copy of this Order. After receipt of the case records by the Family Court, Ottappalam the said court shall issue notice to both sides for their initial

appearance so that both sides would make suitable arrangements for engagement of their Advocates if any, and for the conduct of the proceedings before that court.

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

Sd/- ALEXANDER THOMAS, JUDGE

MJL

