

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 13TH DAY OF JULY 2015/22ND ASHADHA, 1937

Tr.P(Crl.).No. 53 of 2015

**TRANSFER MC 115/2014 OF FAMILY COURT, KOLLAM TO FAMILY COURT,
MAVELIKKARA**
.....

PETITIONER(S):

- 1. DEEPA S.PILLAI, AGED 29 YEARS,
W/O. SUDEVAN PILLAI, SREESADANATHIL, MULAVANA P.O.,
KOLLAM (FROM SUMANGALI NIVAS, VEDARAPLAVU P.O.,
CHARUMOOD, ALAPPUZHA)**
- 2. AJAN DEV, AGED 9 YEARSS
S/O. SUDEVAN PILLAI,
-DO - REPRESENTED BY HIS MOTHER AND NATURAL GUARDIAN,
DEEPA S.PILLAI, -DO-**

**BY ADVS.SRI.R.SUNIL KUMAR
SMT.A.SALINI LAL**

RESPONDENT(S)/STATE:

- 1. SUDEVAN PILLAI, AGED 45 YEARS,
PERUMBALLIYIL VEETIL, MULAVANA, KOLAM - 691 001.**
- 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

**R1 BY ADVS. SRI.K.SIJU
SRI.A.MUHAMMED RAFFI
R2 BY PUBLIC PROSECUTOR SRI.N.SURESH**

**THIS TRANSFER PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION
ON 13-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

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APPENDIX

PETITIONER(S)' ANNEXURES:

ANNEXURE 1: COPY OF THE PETITION OF THE ORIGINAL PETITION.

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

ALEXANDER THOMAS, J.

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Dated this the 13th day of July, 2015.

ORDER

The prayer in this Transfer Petition filed under Sec.407 of the Cr.P.C is for a direction from this Court to transfer M.C.No.115/2014 filed by the petitioner herein before the Family Court, Kollam to the Family Court, Mavelikkara.

2. Heard Sri.R.Sunil Kumar, learned counsel for the petitioners (wife and son) and Sri.Siju Kamalasanan, learned counsel for the 1st respondent (husband).

3. The case of the 1st petitioner is that she had filed the aforementioned Maintenance Claim petition before the Family Court, Kollam at a point of time when she was residing at Kollam along with her husband. Later, due to difference of opinion she was compelled to leave Kollam and she had to take refuge in her parental home at Charumood in Alapuzha District. Therefore, it is stated that she finds it very difficult to travel quite often from Charumood in Alapuzha District to Kollam Town which is said to be 65 kms and that she requires more than Rs.200/- as travelling expenses everyday and that even for going

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to Mavelikkara she has to travel by bus more than 10 kms for taking the bus to Kollam and that the petitioner is having a child and there is nobody to accompany her to Kollam Family Court.

4. The present prayer of the petitioner is opposed by the 1st respondent-husband, who is appearing through his counsel.

5. On a consideration of the claim made in the petition, it can be seen that the 1st petitioner has filed M.C.No.115/2014 before the Family Court, Kollam when she was residing at Kollam Town and thereafter she has been staying in the parental home at Charumood in Alapuzha District. In such rival claims, the court should ordinarily take into consideration the vital difficulties that may be faced by the separated wife. The petitioner is of the age 29 and she has a son aged 9 years. Moreover, it is only at the evidence stage that the respondent-husband ordinarily need to be present before the court below unless otherwise directed by the court below on other unavoidable occasions. In the light of these aspects, this Court is of the considered opinion that the plea of the petitioner could be considered.

6. Accordingly, it is ordered in the interest of justice that M.C.No.115/2014 now pending before the Family Court, Kollam shall stand transferred to the Family Court, Mavelikkara, forthwith. It is

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further ordered that the Family Court, Kollam shall ensure that the entire case records in M.C.No.115/2014 shall be transferred and transmitted to the Family Court, Mavelikkara within two weeks from the date of production of a certified copy of this order by the petitioners. Thereafter, the Family Court, Mavelikkara will number the case and issue notice to both sides intimating about the specific posting date within ten days from the date of receipt of production of records from the Kollam Family Court. After such posting, suitable posting dates may be informed to both sides for finalisation of the case and proceed in the matter in accordance with law.

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

Sd/-

ALEXANDER THOMAS, Judge.

Bkn/-

///true copy///

P.A TO JUDGE.