

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 26TH DAY OF OCTOBER 2015/4TH KARTHIKA, 1937

Tr.P(Crl.).No. 58 of 2015

**TO TRANSFER MC 19/2014 OF CHIEF JUDICIAL MAGISTRATE COURT, ERNAKULAM
TO CHIEF JUDICIAL MAGISTRATE COURT, THRISSUR.**
.....

PETITIONER(S):

1. **ADV. SREELAKSHMY.S,
D/O DR.SETHUMADHAVAN,AGED 41 YEARS,
RESIDING AT KUNNAMPILLY,M.G.ROAD,
ERNAKULAM-682016.**
2. **SAMANWITHA (MINOR AGED 12 YEARS)
REPRESENTED BY HER MOTHER AND NATURAL
GUARDIAN ADV. SREELAKSHMY S.,
D/O. DR. SETHUMADHAVAN, AGED 41 YEARS,
RESIDING AT KUNNAMPILLY,M.G.ROAD,
ERNAKULAM-682016.**

**BY ADVS.SRI.S.K.PREMRAJ
SRI.C.ANILKUMAR (KALLESSERIL)**

RESPONDENT(S):

1. **DR.V.K.PRASANTH, S/O LATE R.K.K. NAIR,
AGED 44 YEARS, C/O. MEDICO CLINIC,
P.O. BOX 3892, NAIF ROAD, DEIRA,
DUBAI, UNITED ARAB EMIRATES.**
2. **DR. RAM PRADEEP, S/O LATRE R.K.K. NAIR,
AGED ABOUT 54 YEARS,
KRISHNA'S SKIN COSMETOLOGY & MEDICAL CENTRE,
#1, BALAIAH AVENUE, OFF LUZ CHURCH ROAD,
MYLAPORE, CHENNAI, PIN - 600 004.**
3. **DR. VIDYA, W/O.DR. RAM PRADEEP,
AGED ABOUT 51 YEARS,
KRISHNA'S SKIN COSMETOLOGY & MEDICAL CENTRE,
#1, BALAIAH AVENUE OFF LUZ CHURCH ROAD,
MYLAPORE, CHENNAI, PIN:600004.**

Tr.P(Crl.).No. 58 of 2015

4. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN:682031.

R1 BY ADVS. SRI.C.S.DIAS

SRI.N.K.SUBRAMANIAN

SMT.B.BINDU

R2 & R3 BY SRI.M.RAMESH CHANDER (SENIOR ADVOCATE)

ADVS. SRI.ANEESH JOSEPH

SMT.DENNIS VARGHESE

R4 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE

THIS TRANSFER PETITION (CRIMINAL) HAVING COME UP FOR
ADMISSION ON 26-10-2015, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

mbr/

APPENDIX

PETITIONERS' ANNEXURES:

- ANNEXURE A1 :** TRUE COPY OF THE COMPLAINT IN M.C.NO.19 OF 2014 ON THE FILES OF THE CHIF JUDICIAL MAGISTRATE COURT, ERNAKULAM.
- ANNEXURE A2 :** TRUE COPY OF THE OBJECTION FILED BY THE 1ST RESPONDENT IN M.C.NO.19 OF 2014 ON THE FILES OF THE CHIF JUDICIAL MAGISTRATE COURT, ERNAKULAM.
- ANNEXURE A3 :** TRUE COPY OF THE REPORT FILED BY THE MEDIATOR IN M.C.NO.19 OF 2014 ON THE FILES OF THE CHIF JUDICIAL MAGISTRATE COURT, ERNAKULAM.
- ANNEXURE A4 :** TRUE PHOTOCOPY OF THE ORDER DATED 28.11.2014 IN BA.NO.8497 ON THE FILES OF THIS HON'BLE COURT.

RESPONDENTS' ANNEXURES:

- ANNEXURE R1(A) :** TRUE COPY OF ORDER IN C.M.P.NO.4483 OF 2014 IN MC.NO.19 OF 2014 OF THE CHIEF JUDICIAL MAGISTRATE COURT, ERNAKULAM DATED 9.10.2014.
- ANNEXURE R1(B) :** TRUE COPY OF ORDER IN C.M.P.NO.4484 OF 2014 IN MC.NO.19 OF 2014 OF THE CHIEF JUDICIAL MAGISTRATE COURT, ERNAKULAM DATED 9.10.2014.
- ANNEXURE R2(A) :** PHOTOSTAT COPY OF THE JUDGMENT IN WPC.1452/14 DATED 20.5.2014.
- ANNEXURE R2(B) :** PHOTOSTAT COPY OF THE OBJECTION FILED IN MC.19/14 DATED 25.11.2014.
- ANNEXURE R2(C) :** PHOTOSTAT COPY OF THE OBJECTION FILED IN CMP.4483/14 IN MC.19/14 DATED 25.11.2014.
- ANNEXURE R2(D) :** PHOTOSTAT COPY OF THE INTERIM REPORT SUBMITTED BY THE MEDIATOR BEFORE THE CHIEF JUDICIAL MAGISTRATE, ERNAKULAM DATED 31.1.2015 IN MC.19/14.
- ANNEXURE R2(E) :** PHOTOSTAT COPY OF THE AFFIDAVIT AND THE PETITION FILED BY THE PETITIONER BEFORE THE CHIEF JUDICIAL MAGISTRATE COURT, ERNAKULAM IN MC.1/2014 DATED 15.5.2014.

//TRUE COPY//

P.S. TO JUDGE

mbr/

B. KEMAL PASHA, J.

.....
Tr.P.(Crl) No.58 of 2015
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Dated this the 26th day of October, 2015

ORDER

The first petitioner is the wife of the 1st respondent, who has filed M.C.19/2014 before the Chief Judicial Magistrate's Court, Ernakulam under the provisions of the Protection of Women from Domestic Violence Act, 2005. The first petitioner is a practicing lawyer at Ernakulam. She finds it difficult to conduct the case before the Chief Judicial Magistrate's Court, Ernakulam. On that ground, she seeks for a transfer of the case to the Chief Judicial Magistrate's Court, Thrissur.

2. The said request for transfer is opposed by the respondents. At the same time, it has come out that the first respondent is in Dubai and the other respondents are stationed at Chennai. In such a case, it will not make any

difference even if the case is transferred. Considering the said aspect, this Court is of the view that it is just and convenient in the interest of justice to transfer the case to the Chief Judicial Magistrate's Court, Thrissur.

In the result, this Tr.P.(Crl) is allowed, and M.C.No.19/2014 of the Chief Judicial Magistrate's Court, Ernakulam is transferred to the Chief Judicial Magistrate's Court, Thrissur. The learned Chief Judicial Magistrate, Thrissur shall see that the matter is disposed of expeditiously.

Sd/- B.KEMAL PASHA, JUDGE

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[True copy]

P.S. to Judge