

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 3RD DAY OF AUGUST 2015/12TH SRAVANA, 1937

Tr.P(C).No. 332 of 2014 ()

**OP(G&W) 431/2014 OF FAMILY COURT, KOLLAM TRANSFERRED TO FAMILY COURT,
THIRUVANANTHAPURAM**

PETITIONER :

**A.T.MITHRA
D/O. ASHAKASAN, MANIMANDIRAM, AMBA NAGAR
E6, T.C. NO. 26/455, VANCHIYOOR P.O.
THIRUVANANTHAPURAM, PIN-695535.**

**BY ADVS.SRI.B.VINOD
SRI.I.V.PRAMOD
SRI.H.JOSH**

RESPONDENT :

**ANILKUMAR N.,
AGED 39 YEARS, S/O. NATARAJAN CHETTIAR,
M.G. NAGAR, KILIKOLLOOR P.O.
DIVISION NO. 10, KOLLAM CORPORATION,
PIN-691 004.**

**BY ADVS. SRI.JOHNSON GOMEZ
SRI.S.SREEKUMAR (KOLLAM)**

**THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 03-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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...2/-

APPENDIX

PETITIONERS' ANNEXURES :

ANNEXURE A1 : COPY OF OP (G&W) NO. 431/2014 DATED 8.4.2014.

**ANNEXURE A2 COPY OF THE DISCHARGE SUMMARY OF 15/12/2013 ISSUED
FROM MATHA AYURVEDA EYE HOSPITAL,
THIRUVANANTHAPURAM.**

**ANNEXURE A3 COPY OF THE CASE SHEET DATED 4/4/2013 OF THE
PETITIONER AT THE DISTRICT HOSPITAL, KOLLAM.**

RESPONDENT'S ANNEXURES :

**ANNEXURE R1 : COPY OF THE JUDGMENT DATED 9.1.2015 IN OP(FC)
NO. 267/2014 OF THIS HON'BLE COURT.**

//TRUE COPY//

P.A. TO JUDGE

Mn

B.KEMAL PASHA, J.

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Tr.P.(C)No.332 of 2014

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Dated this the 3rd day of August, 2015

ORDER

Petitioner wife seeks the transfer of O.P.(G&W) No.431 of 2014, of the Family Court, Kollam, seeking the custody of the minor child, to the Family Court, Thiruvananthapuram. According to the petitioner, she is residing with the child, within the jurisdiction of the Family Court, Thiruvananthapuram.

2. A counter affidavit has been filed by the respondent stating that in O.P.(FC)No.267 of 2014, the Division Bench of this Court had directed the Family Court, Kollam to dispose of O.P.(G&W)No.431 of 2014 expeditiously. It was also directed that if any interlocutory application for interim

custody of the child, is filed, the court below should decide that application. The said order passed by the Division Bench of this Court will not stand in the way of transferring the Original Petition to the Family Court, Thiruvananthapuram. When the child is admittedly in the care and custody of the petitioner at Thiruvananthapuram, normally, the jurisdiction is with the Family Court, Thiruvananthapuram. Therefore, this Court is satisfied that it is just and convenient in the interest of justice to effect the transfer as prayed for.

In the result, this Transfer Petition (Civil) is allowed and O.P.(G&W) No.431 of 2014, of the Family Court, Kollam is transferred to the Family Court, Thiruvananthapuram. The Family Court, Thiruvananthapuram is directed to dispose of the Original Petition as expeditiously as possible.

Sd/-

B.KEMAL PASHA
JUDGE