

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

WEDNESDAY, THE 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936

Tr.P(C).No. 349 of 2014

OP(DIV) 396/2014 of FAMILY COURT, MAVELIKKARA

PETITIONER(S):

**MEDONA THOMAS, AGED 52 YEARS
D/O. MERCY THOMAS, MAILETTU HOUSE
NEAR K.S.E.B SECTION OFFICE, KARIKKATTOOR P.O.
KOTTAYAM DISTRICT, PIN:686 544.**

BY ADV. SRI.V.A.JOHNSON VARIKKAPPALLIL

RESPONDENT(S):

**BENNY JOHN, AGED 55 YEARS
S/O YOHANNAN THOMAS, PARAMBIL VADAKKETHIL
PUTHIYAKAVU P.O., MAVELIKKARA, PIN:690 101.**

**BY ADVS. DR.ABRAHAM P.MEACHINKARA
SRI.JOY C. PAUL
SRI.KURIAKOSE MATHEW**

**THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 04-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

Tr.P(C).No. 302 of 2014

APPENDIX

PETITIONERS' ANNEXURES

**ANNEXURE A: A TRUE COPY OF THE PETITION IN OP(DIV.)NO.396/14 FILED BY THE
R1 BEFORE THE FAMILY COURT, PALA.**

RESPONDENTS' ANNEXURE

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P. BHAVADASAN, J.

Tr.P.(C). No. 349 of 2014

Dated this the 4th day of February, 2015.

ORDER

This is a petition filed under Section 24 of the Code of Civil Procedure seeking transfer of O.P.(Div.) No. 396 of 2014 from Family Court, Mavelikkara to Family Court, Palai.

2. Suffice to say that the marital relationship between the petitioner and the respondent ran into rough weather and litigations began. The respondent instituted O.P. No. 396 of 2014 before Family Court, Mavelikkara for divorce.

3. The petitioner points out that she is a resident of Kottayam District and she finds it difficult to go over to Mavelikkara to attend the court on all posting dates. It is also pointed out that there is nobody to accompany her. Therefore, she prays for a transfer of the case to Family Court, Pala.

4. Respondent has entered appearance and strongly opposed the petition. It is pointed out that mere convenience of the wife is not a ground to transfer the petition. More over, it is pointed that the respondent is a chronic diabetic patient. Learned counsel also relied on the decision reported in **Edupuganti Madhuri v. Edupuganti Venkata Krishna Kishore** (AIR 2009 (NOC) 1452) wherein it was held that inconvenience of the wife by itself is not a ground to transfer the petition.

5. In the case on hand, transfer is sought for not only on the ground of inconvenience but also on the ground that the petitioner is unable to meet the expenses to go to Family Court, Mavelikkara. It is also pointed out that there is nobody to accompany her and also that she has an aged mother to look after. It is under the above circumstances, the petitioner seeks transfer of the case.

6. It is true that mere inconvenience of the wife by itself is not a ground to transfer the petition. But taking

note of the various facts and circumstances of the case, it is felt that the petition can be transferred as prayed for by the petitioner.

This petition is allowed and O.P. (Div.) No. 396 of 2014 pending before Family Court, Mavelikkara shall stand transferred to Family Court, Pala. Parties to appear before Family Court, Pala on 2.3.2015. It is made clear that if the respondent applies for exemption from personal appearance, that has to be considered by Family Court, Pala in accordance with law.

sb.

P. BHAVADASAN,
JUDGE