

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 21ST DAY OF AUGUST 2015/30TH SRAVANA, 1937H

Tr.P(C).No. 352 of 2014 ()

TRANSFER OF OP 120/2014 of FAMILY COURT, PALAKKAD TO THE
FAMILY COURT, THIRUVANANTHAPURAM

PETITIONER/PETITIONER:

DR. LIMA M.L. AGED 32 YEARS,
D/O.R.MOHANDAS, RESIDING AT TC 9/549 MRA, B-248,
KANIYAMKONAM KALLAMPALLY, SREEKARIYAM P.O.,
THIRUVANANTHAPURAM.

BY ADVS.SMT.MAJIDA.S
SRI.REJI.A.RASHEED
SRI.AJIKHAN.M

RESPONDENT/RESPONDENT:

DR. SHAJESH P.S.,
MEDICAL OFFICER, GOVERNMENT HOMOEOPATHIC DISPENSARY, NRHM,
NAGALASSERY, VAVANOOR, KOOTTANAD P.O.,
PALAKKAD - 679 026.

R1 BY ADV. SRI.P.VENUGOPAL (1086/92)

THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY
HEARD ON 21-08-2015, ALONG WITH TPC.NOS.357 & 358/2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

DSV/22/8/15

Tr.P(C).No. 352 of 2014 ()

APPENDIX

PETITIONER'S ANNEXURES :

A1 COPY OF THE O.P.NO.234/2014 ON THE FILE OF THE FAMILY COURT, THIRUVANANTHAPURAM.

A2 COPY OF THE O.P.NO.120/2014 BEFORE THE FAMILY COURT, PALAKKAD.

RESPONDENT'S ANNEXURES :

NIL

// True Copy //

P.A. To Judge

DSV/22/8/15

B.KEMAL PASHA, J.

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Tr.P.(C)Nos.352 of 2014, 357 & 358 of 2015

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Dated this the 21st day of August, 2015

ORDER

Tr.P.(C)No.352 of 2014 is filed by the wife seeking the transfer of O.P.No.120 of 2014 of the Family Court, Palakkad, to the Family Court, Thiruvananthapuram. The said O.P. is filed by the husband for divorce.

2. Tr.P.(C)No.357 of 2015 is filed by the husband seeking transfer of O.P.No.234 of 2014 filed by the wife, pending before the Family Court, Thiruvananthapuram to the Family Court, Palakkad. The said O.P. is filed for restitution of conjugal rights and for protection orders under the Protection of Women from Domestic Violence Act.

3. Tr.P.(C)No.358 of 2015 is also filed by the husband seeking transfer of O.P.No.1951 of 2014 filed by the wife seeking value of gold ornaments etc. before the Family Court, Thiruvananthapuram, to the Family Court, Palakkad.

4. Counter has been filed by the respondent in Tr.P.(C) Nos. 357 and 358 of 2015. Counter in Tr.P.(C)No.352 of 2014 has also been filed.

5. Heard the learned counsel for the wife and the learned counsel for the husband.

6. It has come out that the wife as well as the husband are Doctors by profession and presently they are working at at Palakkad in Government Service. Still, they are at Palakkad. According to the wife, she had applied for transfer to Thiruvananthapuram and therefore, she wants to get the matters transferred to the Family Court, Thiruvananthapuram as her family house is situated within the jurisdiction of the said Court. Learned counsel for the husband has pointed out that still the wife is also working as Doctor at Palakkad in Government Service, and she has not

been transferred from there. It has also been pointed out that her parents are also residing with her at Palakkad. Over and above it, her brother, who is also a Doctor by profession in Government Service, is also working at Palakkad, and he is also residing with her.

7. When both the parties are presently residing within the jurisdiction of the Family Court, Palakkad, this Court is satisfied that it is just and convenient interest of justice to have all the matters considered by the Family Court, Palakkad at present. Of course, change of circumstances may occur. In case any necessity arises in future for the transfer of the matters to some other courts, of course, both the parties may be able to seek transfers on such occasions.

In the result, Tr.P.(C)No.352 of 2014 stands dismissed, and Tr.P.(C)Nos.357 and 358 of 2015 are allowed. O.P.No.234 of 2014 and O.P.No.1951 of 2014 pending the Family Court, Thiruvananthapuram are transferred to the Family Court, Palakkad. It is made clear that in case of

transfer of the wife to Thiruvananthapuram, if so advised,
she may approach this Court once again with the request.

Sd/-

B.KEMAL PASHA
JUDGE

DSV/21/8/15