

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

Tr.P(C).No. 405 of 2014 ()

**TO TRANSFER OP. 1239/2014 FROM FAMILY COURT, ERNAKULAM TO
FAMILY COURT, THRISSUR**

PETITIONER (RESPONDENT) :

**SOUMYA
AGED 27 YEARS, W/O. JINESH,
VALIYAPURAKKAL HOUSE, CHERUVATHANI
(VIA). KUNNAMKULAM, THRISSUR - 680 523.**

BY ADV. SRI.K.A.SATHEESA BABU

RESPONDENT/PETITIONER :

**JINESH V.G.,
AGED 35 YEARS, S/O. GANGADHARAN,
WORKING AT SAMBO E&C CO. LTD.,
BMC BUILDING, 3RD FLOOR, OPP. KFH HEAD OFFICE
MURYAB AREA, KUWAIT, SAFAT - 13147
CODE 28621.**

BY ADV. SRI.R.V.SUJITH KUMAR

**THIS OP (CRIMINAL) HAVING BEEN FINALLY HEARD ON 08-09-2015,
ALONG WITH Tr.P.(C). 158/2015 & CONNECTED CASES, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:**

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APPENDIX

PETITIONERS' ANNEXURES :

**ANNEXURE I : COPY OF OP 1239/2014 DATED 23/6/2014 PENDING BEFORE
FAMILY COURT, ERNAKULAM.**

**ANNEXURE II COPY OF MC 318/2014 DATED 18/7/2014 PENDING BEFORE
FAMILY COURT, THRISSUR.**

**ANNEXURE III COPY OF NOTICE DATED 27/6/2014 FROM FAMILY COURT,
ERNAKULAM IN OP 1239/2014 RECEIVED BY THE PETITIONER.**

RESPONDENT'S ANNEXURES : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

B. KEMAL PASHA, J.

.....
Tr.P.(C) Nos.405 of 2014 and
158 of 2015, Tr.P.(Crl.) No.49 of 2015
& O.P.(Crl.) No.189 of 2015
.....

Dated this the 8th day of September, 2015

ORDER

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Tr.P.(C) No.405/2014 and Tr.P.(C) No.158/2015 are filed by the wife. Tr.P.(Crl.) No.49/2015 and O.P.(Crl.) No.189/2015 are filed by the husband. The husband and wife are residing separately. The wife is residing within the jurisdiction of the Family Court, Thrissur, with the 3½ year old daughter. By seeking maintenance for the child, the wife has filed MC.318/2014 before the Family Court, Thrissur, where it is pending even now. Seeking a decree of divorce, the husband has filed OP.1239/2014 before the Family Court, Ernakulam. During the pendency of these proceedings, the husband has filed OP.209/2015 before the Family Court, Ernakulam seeking the custody of the child.

2. Through Tr.P.(C) No.405/2014, the wife seeks for the transfer of OP.1239/2014 from the Family Court, Ernakulam to the Family Court, Thrissur. Through Tr.P.(C) No.158/2015, the wife seeks for the transfer of O.P. No.209/2015 of the Family Court, Ernakulam to the Family Court, Thrissur.

3. *Per contra*, the husband, through Tr.P.(Crl.) No.49/2015, seeks for the transfer of MC.318/2014 of the Family Court, Thrissur to the Family Court, Ernakulam. Through O.P.(Crl.) No.189/2015, the husband seeks for a direction for the expeditious disposal of these matters.

4. On hearing the learned counsel for the wife and learned counsel for the husband and on a perusal of the records, this Court is satisfied that it is just and convenient in the interest of justice to continue with MC.318/2014 before the Family Court, Thrissur. Similarly, it is only just and convenient in the interest of justice to transfer OP.1239/2014 from the Family Court, Ernakulam to the

Family Court, Thrissur. Further, OP No.209/2015 is filed by the husband seeking the custody of the minor child. In such case, the matter has to be dealt with by the Family Court, Thrissur within the jurisdiction of which, the minor is residing. Therefore, the same has also to be transferred from the Family Court, Ernakulam to the Family Court, Thrissur.

5. The learned counsel for the husband has pointed out that the husband is having an apprehension of attack and threats from the part of the father of the wife. The learned counsel for the wife, vehemently refutes such an allegation. In case of any such threat or attempt for the same, he shall bring the matter to the notice of the court below and in such case, the court below shall make available necessary police assistance to the husband.

In the result, Tr.P.(C) Nos.405/2014 and 158/2015 are allowed. OP.1239/2014 and OP No.209/2015 of the Family Court, Ernakulam are ordered to be transferred to the

Tr.P.(C) No.405/2014 & connected cases

: 4 :

Family Court, Thrissur. Tr.P.(Crl.) No.49/2015 stands dismissed. O.P.(Crl.) No.189/2015 is disposed of by directing the court below to expedite the proceedings.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/08/09

// True Copy //

PA to Judge