

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 12TH DAY OF AUGUST 2015/21ST SRAVANA, 1937

Tr.P(C).No. 424 of 2014 ()

TRANSFER OF OP 496/2013 of FAMILY COURT, MUVATTUPUZHA TO THE
FAMILY COURT, THIRUVANANTHAPURAM

PETITIONER/RESPONDENT:

REMYA.P, AGED 26 YEARS,
D/O.K.AJAYAKUMAR, "UTHRAM", ARAYOOR PO,
CHENKAL VILLAGE, NEYYATTINKARA,
THIRUVANANTHAPURAM DISTRICT.

BY ADVS.SRI.SANTHOSH PETER (MAMALAYIL)
SRI.P.N.ANOOP

RESPONDENT/PETITIONER:

SUMESH.B.U, AGED 28 YEARS,
S/O.UNNI B.N, BHAGAVATHPARAMBIL HOUSE, N.EZHIPRAMKARA,
MARAMBILLY PO, VAZHAKKULAM, ERNAKULAM, PIN-683 105.

R. BY ADVS. SRI.JOHN JOSEPH VETIKAD
SRI.C.JOSEPH JOHNY

THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY
HEARD ON 12-08-2015, ALONG WITH TPC688/14, THE COURT ON THE
SAME DAY PASSED THE FOLLOWING:

DSV/24/8/15

Tr.P(C).No. 424 of 2014 ()

APPENDIX

PETITIONER'S ANNEXURES :

A1 COPY OF O.P.NO.496/2013 BEFORE THE HONOURABLE FAMILY COURT, MUVATTUPUZHA.

A2 COPY OF THE M.C.NO.219/2014 BEFORE THE HONOURABLE FAMILY COURT, THIRUVANANTHAPURAM.

RESPONDENT'S ANNEXURES :

R1(A) COPY OF CERTIFICATE DATED 30.10.2014.

R1(B) COPY OF THE REFERENCE LETTER ISSUED FROM SN MISSION HOSPITAL PERUMBAVOOR.

R1(C) COPY OF THE CERTIFICATE DATED 25.02.2014 ISSUED BY DR.M.S.BOSOLAI DATED 25.02.2014 CONCERNING THE MOTHER OF RESPONDENT.

R1(D) COPY OF THE DISCHARGE CARD ISSUED FROM TALUK HEADQUARTERS HOSPITAL AT PERUMBAVOOR OF FATHER OF THE RESPONDENT.

R1(E) COPY OF THE DISCHARGE CARD ISSUED FROM TALUK HEADQUARTERS HOSPITAL AT PERUMBAVOOR OF MOTHER OF THE RESPONDENT.

R1(F) COPY OF THE COMPLAINT FILED BY THE FATHER OF THE RESPONDENT.

R1(G) COPY OF THE FIR IN CRIME NO.1033/2014 OF THE THADIYATTATTUPARAMBA POLICE STATION.

// True Copy //

P.A. To Judge

DSV/24/8/15

B.KEMAL PASHA, J.

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Tr.P.(C)Nos.424 & 688 of 2014

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Dated this the 12th day of August, 2015

ORDER

Tr.P.(C) No.424 of 2014 is filed by the wife. She seeks the transfer of O.P.No.496 of 2013 of the Family Court, Muvattupuzha, filed by the husband seeking divorce, to the Family Court, Thiruvananthapuram. Through Tr.P.(C)No.688 of 2014, the father and mother of the husband, who are respondents 2 and 3 in O.P.No.1480 of 2014 of the Family Court, Thiruvananthapuram, are seeking transfer of the said O.P. to the Family Court, Muvattupuzha. The said O.P. is filed by the wife seeking a decree for the recovery of money with interest. The wife is residing at Neyyattinkara with the two year old child.

2. Heard both the learned counsel for the parties.

3. According to the learned counsel for the petitioners in Tr.P.(C)No.688 of 2014, there was a quarrel between the parties, in which the 2nd petitioner was beaten up. On going through the records, it has come out that even according to the said petitioners, the wife had reached the house for taking away her cloths and other materials and when it was prevented, the 2nd petitioner was allegedly pushed down. Apart from that there is no allegation of any quarrel or attack. When the wife is residing with the small child within the jurisdiction of the Family Court, Thiruvananthapuram, it is not just and convenient in the interest of justice to effect the transfer of O.P.No.1480 of 2014 from the Family Court, Thiruvananthapuram to the Family Court, Muvattupuzha. At the same time, it is just and convenient in the interest of justice to effect the transfer of O.P.No.496 of 2013 of the Family Court, Muvattupuzha, to the Family Court, Thiruvananthapuram.

In the result, Tr.P.(C)No.424 of 2014 stands allowed and Tr.P.(C)No.688 of 2014 stands dismissed. O.P.No.496 of

2013 of the Family Court, Muvattupuzha is transferred to the Family Court, Thiruvananthapuram. It is made clear that the Family Court, Thiruvananthapuram shall not insist the personal presence of respondents 2 and 3 in O.P.No.1480 of 2014 except on posting dates on which their personal presence is required.

Sd/-

B.KEMAL PASHA
JUDGE

DSV/12/8/15