

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 10TH DAY OF JULY 2015/19TH ASHADHA, 1937

Tr.P(C).No. 485 of 2014 ()

OP.NO. 652/2014 OF FAMILY COURT, ETTUMANOOR, KOTTAYAM

PETITIONER :

**SARASWATHI P.C.,
AGED 45 YEARS, D/O.KUNHIKANNAN,
PARAKKATTU CHALIL HOUSE, CHUNDA P.O.,
KANNUR – 670511.**

**BY ADVS.SRI.BLAZE K. JOSE
SRI.RAHUL SASI
SMT.NEETHU PREM
SRI.ANIL VIJAYAN**

RESPONDENT :

**M.N.VIJAYAN,
AGED 55 YEARS, S/O.NEELAKANDAN,
MUTHUPEZATHEL HOUSE, MANNARKADU P.O.,
KOTTAYAM DISTRICT.**

BY ADV. SRI.T.B.SHAJIMON

**THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 10-07-2015, ALONG WITH Tr.P(CrI.) No.106 of 2014 & Tr.P(C).No. 616 /2014,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

...2/-

Tr.P(C).No. 485 of 2014 ()

APPENDIX

PETITIONERS' ANNEXURES :

**ANNEXURE 1 : COPY OF OP 652/2014 FILED BY THE HUSBAND OF THE
PETITIONER U/S. SECTIONS 11, 12 AND 13 OF HINDU
MARRIAGE ACT.**

**ANNEXURE 2 TRUE COPY OF O.P. 607/2014 FILED FOR MAINTENANCE BY
THE PETITIONER.**

RESPONDENT'S ANNEXURES : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

B. KEMAL PASHA, J.

.....
Tr.P.(C) Nos.485 & 616 of 2014
&
Tr.P.(Crl.) No.106 of 2014
.....

Dated this the 10th day of July, 2015

ORDER

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Tr.P.(C) No.616/2014 is filed by the husband seeking the transfer of O.P.No.607/2014 of the Family Court, Kannur filed by the respondent to the Family Court, Ettumanoor. Through Tr.P.(Crl.) No.106/2014, he has sought for the transfer of MC.323/2014 filed by the respondent before the Family Court, Kannur also to the Family Court, Ettumanoor. The husband has filed O.P.652/2014 before the Family Court, Ettumanoor seeking divorce.

2. Both parties were married earlier to their present marriage. As far as the husband is concerned, his first wife died and he has two children in the first wife and he is residing within the jurisdiction of the Family Court, Ettumanoor. According to the husband, the petitioner in Tr.P.(C) No.485/2014 was married prior to her marriage with the respondent and during their

marriage also, her first marriage was subsisting in which she has one child.

3. Whatever it is, those matters need not be discussed and decided here. It is true that the said wife is presently residing at Kannur within the jurisdiction of the Family Court, Kannur. She has sought for the transfer of O.P.No.652/2014 of the Family Court, Ettumanoor to the Family Court, Kannur.

4. On hearing both sides, this Court is of the view that it is just and convenient in the interest of justice to transfer all the aforesaid cases to the Family Court, Kozhikode.

In the result, these transfer petitions are disposed of and O.P.No.607/2014 and MC.323/2014 of the Family Court, Kannur and O.P.652/2014 of the Family Court, Ettumanoor are ordered to be transferred to the Family Court, Kozhikode.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/10/07

// True Copy //

PA to Judge