

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 29TH DAY OF JUNE 2015/8TH ASHADHA, 1937

Tr.P(C).No. 497 of 2014

**TO TRANSFER OP 1399/2014 OF FAMILY COURT, ERNAKULAM TO FAMILY COURT,
THIRUVANANTHAPURAM.**
.....

PETITIONER/PETITIONER:

**SINCY V.SASI, AGED 33,
D/O.DR.B SASI KUMAR, T C NO 28/1707,
KAMAL CHEMPAKANAGAR - 47,
BAKERY JUNCTION, G.P.O,
THIRUVANANTHAPURAM.**

BY ADV. SRI.D.AJITHKUMAR

RESPONDENT/RESPONDENT:

**HITESH K.MAISHERI, AGED 34,
S/O.KULINKANTH, ANAND,
B.G. BUILDING, PANJARAPOLE LANE,
GUJARATHI ROAD, KOCHI-682002.**

**BY ADVS. SRI.K.N.SIVASANKARAN
SRI.SUNIL SHANKER**

**THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 29-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

B.KEMAL PASHA, J.

.....
Tr.P.(C) No.497 of 2014
.....

Dated this the 29th day of June, 2015

ORDER

Petitioner is seeking the transfer of OP 1399/2014 pending before the Family Court, Ernakulam to the Family Court, Thiruvananthapuram, where the petitioner is residing. Petitioner is the wife and respondent is the husband. Their only child is also residing with the petitioner at Thiruvananthapuram. Earlier, the petitioner had filed an OP 1079/2014, which is also pending before the Family Court, Thiruvananthapuram. Over and above it, the petitioner had filed a case for maintenance as MC 72/2014 before the Judicial First Class Magistrate's Court-III, Thiruvananthapuram under the Protection of Women from

Domestic Violence Act. As the petitioner is residing at Thiruvananthapuram, she seeks for a transfer.

2. Heard learned counsel for the petitioner and the learned counsel for the respondent.

3. The learned counsel for the respondent has stoutly opposed the transfer of the case. According to the respondent, the OP pending before the Family Court, Ernakulam is one for declaration of title and consequential injunction relating to a property. It is the case of the petitioner that the property was purchased in the joint names of the petitioner and the respondent herein and the entire funds for the purchase of the property was spent by the father of the petitioner. It was in that context the respondent has filed the aforesaid OP before the Family Court, Ernakulam. According to the respondent, the witnesses in the OP are at Ernakulam and therefore, transfer of the OP from Ernakulam to Thiruvananthapuram will result in injustice to the respondent. The petitioner is

residing at Thiruvananthapuram with the minor child. Already a dispute is pending between the parties at the Family Court, Thiruvananthapuram. When the OP pending before the Family Court, Ernakulam is also a matter in dispute between the parties with regard to a property, there is absolutely nothing wrong in transferring the matter to Thiruvananthapuram, where the other OP is pending. Therefore, this Court is of the view that it is just and convenient in the interest of justice to transfer OP 1399/2014 pending before the Family Court, Ernakulam to the Family Court, Thiruvananthapuram.

In the result, this Transfer Petition is allowed and OP 1399/2014 pending before the Family Court, Ernakulam is transferred to the Family Court, Thiruvananthapuram.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge