

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

TUESDAY, THE 6TH DAY OF JANUARY 2015/16TH POUSHA, 19361

Tr.P(C).No. 546 of 2014

AGAINST THE ORDER/JUDGMENT IN OP 697/2014 of FAMILY COURT, KANNUR

PETITIONER(S):

**NIJISHA K.V, AGED 26 YEARS
D/O.HAREENDRAN NAIR, 'HARSHAM', P.O.NEERVELI
THALASSERY TALUK, KANNUR DISTRICT.**

BY ADV. SRI.C.P.PEETHAMBARAN

RESPONDENT(S):

**VINEESH P.K., AGED 33 YEARS
S/O.GANGADHARAN NAIR, "KRISHNA KRIPA",
P.O.MALAPPATTAM
TALIPARAMBA, KANNUR DISTRICT-670631.**

BY ADV. SRI.P.U.SHAILAJAN

**THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 06-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

APPENDIX

PETITIONERS' ANNEXURES

- A1: COPY OF MEMORANDUM OF MC.NO.223/14 FILED BY THE PETITIONER
BEFORE THE FAMILY COURT, THALASSERY.
- A2: COPY OF THE OP.697/14 FILED BY THE RESPONDENT BEFORE THE FAMILY
COURT, KANNUR.

RESPONDENTS' ANNEXUIRES

- R1(A): COPY OF THE PETITION FILED BY THE RESPONDENT IN OP.697/14
- R1(B): COPY OF THE PETITION IN MC.223/14 FILED BY THE PETITIONER BEFORE
THE FAMILY COURT, THALASSERY DATED 11/8/14
- R1(C): COPY OF THE RECEIPT ISSUED FROM MALAPATTAM SREE KRISHNA
KSHETHRAM STATING ABOUT THE MARRIAGE BETWEEN THE PETITIONER
AND RESPONDENT DATED 1/6/14
- R1(D): COPY OF THE BUS TICKETS KUTHUPARAMBA TO NEERVELI AND
KUTHUPARAMBA TO THALASSERY AND KANNUR TO KUTHUPARAMBA
THALASSERY AND KANNUR TO KUTHUPARAMBA
- R1(E): COPY OF THE BUS TICKETS FROM MALAPPATTAM TO MAYYIL, MAYYIL TO
KANNUR AND KANNUR TO THALASSERY

/ TRUE COPY /

P.S. TO JUDGE

PJ

P. BHAVADASAN, J.

Tr.P.(C). No. 546 of 2014

Dated this the 6th day of January, 2015.

ORDER

This is a petition filed under Section 24 of the Code of Civil Procedure seeking transfer of O.P. 697 of 2014 from Family Court, Kannur to Family Court, Thalassery.

2. It appears that the marital life of the petitioner and the respondent is short lived and both resorted to legal proceedings. The petitioner resorted to maintenance proceedings before the Family Court, Thalassery, while the respondent initiated proceedings for declaration of marriage as null and void by filing O.P. 697 of 2014 before the Family Court, Kannur.

3. The short case put forward by the petitioner is that he has nobody to accompany her to Kannur and she finds it extremely difficult to go over to Kannur to attend the court

on all posting dates. It is also pointed out that there is also a case pending before Family Court, Thalassery and in which the respondent has to appear and in case the case pending before the Family Court, Kannur is transferred to Family Court, Thalassery, no additional burden or harm will be caused to the respondent.

4. The respondent has opposed the petition by pointing out that the distance the petitioner has to travel to both places is equal as of now. If the matter is transferred to Thalassery, the respondent will have to travel 53 kms to Thalassery which will cause additional burden on the respondent.

5. The fact remains that there is already a matter pending before Family Court, Thalassery in which the respondent has to appear. If that be so, as rightly pointed out by the learned counsel for the petitioner, O.P. 697 of 2014 pending before the Family Court, Kannur be transferred to Family Court, Thalassery so that the latter court can try both

the cases. Further, the petitioner has a contention that there is nobody to accompany her and she is in financial difficulties.

6. Considering the above facts, even though the respondent has to travel a long distance, it is felt that O.P. 697 of 2014 pending before Family Court, Kannur has to be transferred to Family Court, Thalassery.

In the result, this petition is allowed, and O.P. 697 of 2014 pending before the Family Court, Kannur shall stand transferred to Family Court, Thalassery.

P. BHAVADASAN,
JUDGE

sb.