

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 7TH DAY OF AUGUST 2015/16TH SRAVANA, 1937

Tr.P(C).No. 682 of 2014

**TO TRANSFER O.S.NO.293 OF 2014 OF THE MUNSIF COURT, KALPETTA TO
THE MUNSIF COURT, KOZHIKODE**

PETITIONER(S)/PLAINTIFF :

**ISMAIL.T., AGED 51 YEARS,
S/O.MAMMADEESA, THARAYIL HOUSE, 5/687 B,
NH ROAD, CALICUT UNIVERSITY P.O., MALAPPURAM-673 635.**

BY ADV. SRI.NIRMAL. S

RESPONDENT(S)/DEFENDANTS:

- 1. KARUTHEDATH SUBAIR, AGED 51 YEARS,
S/O.MUHAMMED, GOODALAYI KUNNU, P.O.KALPETTA NORTH,
VYTHIRI TALUK, KALPETTAAMSOM DESOM, WYNAD-673 122.**
- 2. PANUPAMAN, AGED 50 YEARS,
S/O.PRABHAKARAN NAIR, 'ANUGRAHA', P.O.KALPETTA NORTH,
VYTHIRI TALUK, KALPETTAAMSOM DESOM, WYNAD-673 122.**

BY ADV. SRI.T.V.GEORGE

**THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 07-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

- ANNEXURE A1: TRUE COPY OF THE PLAINT IN O.S.NO.293/2014 ON THE FILE OF THE MUNSIFF COURT, KALPETTA.**
- ANNEXURE A2: TRUE COPY OF THE AGREEMENT DATED 20.09.2013.**
- ANNEXURE A3: TRUE COPY OF THE APPLICATION UNDER THE RTI ACT DATED 23.06.2015.**
- ANNEXURE A4: TRUE COPY OF THE REPLY ALONG WITH ENCLOSURES DATED 30.06.2015.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

B. KEMAL PASHA, J.

.....
Tr.P.(C) No.682 of 2014
.....

Dated this the 7th day of August, 2015

ORDER

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Petitioner seeks for the transfer of O.S.No.293/2014 of the Munsiff's Court, Kalpetta, which has been presently transferred to the Munsiff's Court, Sulthan Bathery, to the Munsiff's Court, Kozhikode. According to the petitioner, the 2nd respondent is the Government Pleader and Public Prosecutor of Wayanad, and the plaintiff finds it difficult to proceed with the prosecution of the suit in the courts at Kalpetta, on account of the interference of the 2nd respondent. In the meantime, the suit was transferred to Sulthan Bathery. According to the learned counsel for the petitioner, the petitioner is under constant threat from various quarters at the instance of the 2nd respondent and, therefore, he is not in a position to appear at the court at Sulthan Bathery. The petitioner is residing in Malappuram

district near Calicut University.

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

3. The learned counsel for the respondents has argued that the petitioner is residing at Kozhikode and, therefore, the petitioner wants to conduct the trial there. Further, it has been argued that the allegations levelled against the 2nd respondent are false and made with a view to getting the suit transferred to the court at Kozhikode.

4. On hearing the learned counsel for the petitioner and the learned counsel for the respondents, it has come out that the 2nd respondent is the Government Pleader and Public Prosecutor of Wayanad. In such case, the apprehension forwarded by the petitioner that there would be interference from his part in the suit, is not out of place. The request of the learned counsel for the respondents is to transfer the suit to Vatakara or Manjeri. It seems that the said request is with a view to denying the opportunity to the

continued appearance of the learned counsel for the petitioner in the said suit. This is not a cat and mouse game.

5. Considering the rival contentions, this Court is satisfied that it is just and convenient in the interest of justice to transfer O.S.No.293/2014 of the Munsiff's Court, Kalpetta, which has been presently transferred to the Munsiff's Court, Sulthan Bathery, to the Munsiff's Court, Kozhikode.

In the result, this Tr.P.(C) is allowed and O.S.No.293/2014 of the Munsiff's Court, Kalpetta, which has been presently transferred to the Munsiff's Court, Sulthan Bathery, is ordered to be transferred to the Munsiff's Court, Kozhikode.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/07/08

// True Copy //

PA to Judge