

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 15TH DAY OF JULY 2015/24TH ASHADHA, 1937

Tr.P(C).No. 690 of 2014 ()

OPGW 1185/2014 of FAMILY COURT, ATTINGAL

PETITIONERS/RESPONDENTS :

- 1. K.C. SUHARA, AGED 60 YEARS,
W/O.HUSAIN BHAVAN, ARAKKALVEEDU, 16/306
SOUTH PUTHUVYPPU, PUTHUVYPPU P.O., VYPEEN
KOCHI.**
- 2. HASEENA
D/O.SUHARA, ARAKKALVEEDU, PUTHUVYPPU P.O.
VYPEEN, KOCHI - 682510**
- 3. JAISAL
S/O.HASEENA, ARAKKALVEEDU, PUTHUVYPPU P.O.
VYPEEN, KOCHI - 682510**
- 4. RAMSHI
D/O.HASEENA, ARAKKALVEEDU, PUTHUVYPPU P.O.
VYPEEN, KOCHI - 685210**
- 5. RAINA
D/O.HASEENA, ARAKKALVEEDU, PUTHUVYPPU P.O.
VYPEEN, KOCHI - 682510**
- 6. RUKSI
D/O.HASEENA, ARAKKALVEEDU, PUTHUVYPPU P.O.
VYPEEN, KOCHI - 682510**

BY ADV. SRI.DENIZEN KOMATH

RESPONDENT/PETITIONER :

**SHAJEENA, AGED 23 YEARS,
D/O.SABOORA, PUTHUVAL PUTHENVEEDU, NEAR CRPF
THAMARAKULAM, PALLIPURAM P.O.**

R1 BY ADV. SRI.G.SREEKUMAR (CHELUR)

**THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 15-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

Tr.P(C).No. 690 of 2014 ()

APPENDIX

PETITIONER'S EXHIBITS :

- P1: COPY OF THE G.O.P. NO. 1535/2014 FILED BEFORE FAMILY COURT,
ERNAKULAM
- P2: COPY OF OP(G&W) NO. 1185/2014 FILED BY THE RESPONDENT BEFORE THE
FAMILY COURT, ATTINGAL.

RESPONDENT'S EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

B.KEMAL PASHA, J.

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Tr.P.(C)No.690 of 2014

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Dated this the 15th day of July, 2015

ORDER

Petitioners have sought for the transfer of O.P.(G&W) No.1185 of 2014 of the Family Court, Attingal to the Family Court, Ernakulam.

2. The respondent is the wife. Her husband is no more. It is the case of the respondent that the child was in her care and protection at her house at Pallippuram, which is within the jurisdiction of the Family Court, Attingal. According to the respondent, the child was forcibly taken away by the 1st petitioner herein, who is the paternal grandmother and by the other petitioners, who are the in-laws of the respondent.

2. According to the petitioners, they had filed G.O.P.No.1535 of 2014 before the Family Court, Ernakulam, and thereby they have sought for the transfer of O.P.(G&W)

No.1185 of 2014 pending before the Family Court, Attingal to the Family Court, Ernakulam.

3. Heard the learned counsel for the petitioners and the learned counsel for the respondent.

4. The learned counsel for the petitioners has argued that the respondent is living with her paramour and she is residing some where near Ernakulam and therefore, she has no say in the matter of the transfer. At the same time, it seems that the petitioners have shown the address of the respondent as Puthuval Puthenveedu, Near C.R.P.F., Thamarakulam, Pallipuram P.O., which is a place within the jurisdiction of the Family Court, Attingal. The notice was served on the respondent in the said address. Therefore, the argument put forwarded by the learned counsel for the petitioners that she is residing away, can only be taken with a pinch of salt.

5. Over and above it, the learned counsel for the respondent has pointed out that the O.P. pending before the Family Court, Ernakulam is not presently in existence, as

the same has been decreed *exparte*. In such case, at present, there are no compelling reasons to have a transfer as prayed for. It is not just and convenient in the interest of justice to effect the transfer as prayed for.

In the result, this Transfer Petition (Civil) is dismissed.

Sd/-

B.KEMAL PASHA
JUDGE

DSV/15/7/15