

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

THURSDAY, THE 26TH DAY OF FEBRUARY 2015/7TH PHALGUNA, 1936

Tr.P(C).No. 703 of 2014

**TRANSFER OF O.P.NO.771/2014 OF FAMILY COURT, ALAPPUZHA TO FAMILY COURT,
KOZHIKODE**

PETITIONER(S) :

**[RESPONDENT (WIFE) IN O.P.H.M.A.NO.771/2014 PENDING BEFORE
THE LEARNED FAMILY COURT, ALAPPUZHA.]**

**GEETHA.H, AGED 29 YEARS,
D/O.K.C.HARIHARAN, ANAPRAMBA HOUSE,
MOOLIPARAYIL PARAMBA, KARUVISSERY.P.O, VENGARI,
KOZHIKODE.**

**BY ADVS.SRI.S.K.SAJU
SRI.A.RANJITH NARAYANAN**

RESPONDENT(S) :

**[PETITIONER (HUSBAND) IN O.P.H.M.A.NO.771/2014 PENDING BEFORE
THE LEARNED FAMILY COURT, ALAPPUZHA]**

**DEEPAK.S, AGED 30 YEARS,
S/O.GOPI, PULLANGADI VEETIL, CHANDROOR.P.O,
EZHUPUNNA VILLAGE, CHERTHALA, ALAPPUZHA, PIN-688 547.**

BY ADV. SMT BINDHU SREEKUMAR

**THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 26-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

- ANNEXURE A1:** TRUE COPY OF THE COMPLAINT DATED 24.11.2011 (C.M.P.NO.8519/2011) FILED BY THE PETITIONER BEFORE THE LEARNED JFMC-I, KOZHIKODE.
- ANNEXURE A2:** TRUE COPY OF THE F.I.R. REGISTERED BY THE CHEVAYOOR POLICE IN CRIME NO.611/2011.
- ANNEXURE A3:** TRUE COPY OF THE PETITION DATED 26.08.2011 FILED BY THE PETITIONER AS M.C.NO.110/2011 BEFORE THE JFMC-I, KOZHIKODE.
- ANNEXURE A4:** TRUE COPY OF THE ORDER DATED 26.08.2011 IN C.M.P.NO.6088/2011 IN M.C.NO.110/11 PASSED BY THE LEARNED JFMC-I, KOZHIKODE.
- ANNEXURE A5:** TRUE COPY OF THE O.P. TICKET DATED 03.09.2014 ISSUED FROM THE GOVT.GENERAL HOSPITAL, KOZHIKODE.
- ANNEXURE A6:** TRUE COPY OF THE COMPLAINT DATED 03.09.2014 ALONG WITH THE RECEIPT ISSUED BY THE S.H.O OF POLICE.
- ANNEXURE A7:** TRUE COPY OF THE PETITION DATED 01.12.2014 IN O.P.(H.M.A)NO.771/2014 PENDING BEFORE THE LEARNED FAMILY COURT, ALAPPUZHA.
- ANNEXURE A8:** A TRUE COPY OF THE NOTICE DATED 02.12.2014 ISSUED BY THE FAMILY COURT, ALAPPUZHA TO THE PETITIONER.
- ANNEXURE A9:** TRUE COPY OF THE PETITION DATED 28.06.2012 FILED BY THE RESPONDENT BEFORE THE LEARNED FAMILY COURT, KOZHIKODE AS O.A.NO.554/2012.

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P.BHAVADASAN, J.

Tr.P.(C) No. 703 of 2014

Dated this the 26th day of February, 2015

ORDER

This is a petition filed under Section 24 of the C.P.C. seeking transfer of O.P.(H.M.A.) No. 771/2014 pending before Family Court, Alappuzha to Family Court, Kozhikode.

2. Suffice to say that the marital relationship between the petitioner and the respondent ran into rough weather and litigations began. The petitioner has filed a complaint and proceedings have been initiated by the Judicial First Class Magistrate Court-I, Kozhikode. Apart from that, from the petition, it is seen that a crime has been registered as FIR No. 611/2011. M.C. Proceedings also have been initiated by the petitioner before the Judicial First Class Magistrate Court-I, Kozhikode. It is contended that as a retaliatory measure, the respondent has instituted proceedings before Family Court, Alappuzha seeking dissolution of marriage.

3. The petitioner points out that she is a permanent resident of Kozhikode and she finds it extremely difficult to go to Alappuzha to attend the case on every posting date. She also says that she is not financially sound and she has nobody to accompany her to come to Alappuzha. For the above reasons, she prays for a transfer.

4. The learned counsel appearing for the respondent very strongly opposed the petition and pointed out that there is no justification in the prayer for transfer.

5. After having considered the rival contentions, in the light of the difficulties pointed out by the petitioner and in the light of the fact that petitions are already pending before various courts at Kozhikode, it is felt that there is no particular harm caused to the respondent by having the matter transferred from Family Court, Alappuzha to Family Court, Kozhikode.

For the above reason, this petition is allowed and O.P. (H.M.A.) No. 771/2014 pending before Family Court,

Alappuzha shall stand transferred to Family Court,
Kozhikode.

Sd/-
P.BHAVADASAN
JUDGE

ds

//True copy//

P.A. to Judge