

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 3RD DAY OF JUNE 2015/13TH JYAISHTA, 1937

Tr.P(Crl.).No. 83 of 2014

MC 58/2014 OF FAMILY COURT, THIRUVALLA
.....

PETITIONER(S):

**BINO T. ABRAHAM, AGED 48 YEARS,
S/O. LATE ABRAHAM PHILIPOSE, FLAT NO. 2K, D.D.NEST,
KARANAKODAM, KATHRIKKADAVU, THAMMANAM ROAD,
ERNAKULAM-682 017.**

BY ADV. SRI.V.VENUGOPALAN NAIR

RESPONDENT(S):

**JAYA BINO ABRAHAM, AGED 46 YEARS,
D/O. K.K.SAMUEL, KIZHAKKANETHU JOY VILLA,
KAVIYOOR P.O., THIRUVALLA-689 121.**

**BY ADVS. SRI.ABRAHAM SAMSON
SMT.LOVELY SAMSON**

**THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
03-06-2015, ALONG WITH TPC. 419/2014, TPCR. 510/2014, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

Tr.P(CRL.).No. 83 of 2014

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE A1: A TRUE COPY OF OP.NO.2202/2013 ON THE FILES OF THE HON'BLE
FAMILY COURT, ERNAKULAM.**

**ANNEXURE A2: A TRUE COPY OF OP.NO.312/2014 ON THE FILES OF THE HON'BLE
FAMILY COURT, THIRUVALLA.**

**ANNEXURE A3: A TRUE COPY OF MC.NO.58/2014 ON THE FILES OF THE HON'BLE
FAMILY COURT, THIRUVALLA.**

**ANNEXURE A4: A TRUE COPY OF THE JOINT PETITION FOR DIVORCE FILED BY THE
PARTIES HEREIN BEFORE THE HON'BLE FAMILY COURT,
ERNAKULAM.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

B. KEMAL PASHA, J.

.....
Tr.P.(Crl.) No.83 of 2014 &
Tr.P.(C) Nos.419 & 510 of 2014
.....

Dated this the 3rd day of June, 2015

O R D E R

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Tr.P.(Crl.) No.83/2014 and Tr.P(C) No.510/2014 are filed by the husband against wife seeking the transfer of MC.58/2014 and OP.312/2014 pending before the Family Court, Thiruvalla to the Family Court, Ernakulam. According to the petitioner, he along with the respondent were permanent residents of Ernakulam and they were employed in Kuwait. While so, the respondent happened to be missing and finally, she was located at Ernakulam allegedly in the company of her paramour. A crime was also registered at the instance of the wife of the said paramour. When the matter became public, the petitioner and the respondent had decided to file a joint application for divorce and consequently, O.P.No.633/2013 joint application was filed before the Family Court, Ernakulam. After six months, when

the matter was taken up, the wife did not care to appear and consequently, the OP happened to be dismissed. After that, the petitioner filed OP.2202/2013 seeking divorce before the Family Court, Ernakulam, which is pending even now. The wife has sought for the transfer of OP.2202/2013 from the Family Court, Ernakulam to the Family Court, Thiruvalla through Tr.P(C) No.419/2014.

2. Heard learned counsel for the petitioner in Tr.P. (Crl.) No.83/2014 and Tr.P.(C) No.510/2014, who is the learned counsel for the respondent in Tr.P.(C) No.419/2014 also. It seems that the learned counsel, who was holding the vakalat of the wife had relinquished his engagement, much earlier.

3. On hearing the learned counsel for the petitioner for the husband, it seems that it is just and convenient in the interest of justice to transfer MC 58/2014 and OP.312/2014 pending before the Family Court, Thiruvalla to the Family Court, Ernakulam, where OP.2202/2013 is pending. Matters

TrP(Crl).83/14 & TrPC.419&510/2014

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being so, Tr.P.(Crl.) No.83/2014 and Tr.P.(C) No.510/2014 are only to be allowed. Tr.P.(C) No.419/2014 is devoid of merits and is only to be dismissed.

In the result, Tr.P.(Crl.) No.83/2014 and Tr.P.(C) No.510/2014 are allowed and Tr.P.(C) No.419/2014 is dismissed. MC 58/2014 and OP.312/2014 pending before the Family Court, Thiruvalla are ordered to be transferred to the Family Court, Ernakulam, where OP.2202/2013 is pending.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/03/06

// True Copy //

PA to Judge