

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 22ND DAY OF JANUARY 2015/2ND MAGHA, 1936

Tr.P(Crl.).No. 107 of 2014 ()

MC 49/2014 of FAMILY COURT, MUVATTUPUZZHA

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PETITIONER/RESPONDENT:

**PHILJO VARUGHESE PHILIPS, AGED 34 YEARS
S/O.P.V PHILIP, FLAT NO 101, PEARL HAVENS
HAMSAKUNJU LANE, S.R.M ROAD, KOCHI 18**

BY ADV. SRI.N.J.MATHEWS

RESPONDENTS/PETITIONERS:

- 1. IDA PHILJO PHILIPS, AGED 29 YEARS
W/O.PHILJO VARUGHESE PHILIPS, KALLARACKAL HOUSE
NEAR MAR THOMA WOMEN'S COLLEGE, ASRAMAM PADI
PERUMBAVOOR, ERNAKULAM PIN 683542**
- 2. AADIYA ANN PHILJO PHILIPS, AGED 4 YEARS
D/O.PHILJO VARUGHESE PHILIPS
PRESENTLY RESIDING AT KALLARACKAL HOUSE
NEAR MAR THOMAS WOMEN'S COLLEGE, ASRAMAM PADI
PERUMBAVOOR, ERNAKULAM PIN 683542**

R1-R2 BY ADV. SRI.MILLU DANDAPANI

**THIS TRANSFER PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 22-01-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Tr.P.(Crl.)No.107/2014

APPENDIX

PETITIONER'S EXHIBITS

**ANNEXURE I COPY OF THE M.C. NO.49/2014 FILED BEFORE FAMILY COURT,
MUVATTUPUZHA BY THE RESPONDENT**

RESPONDENTS' EXHOBITS

NIL

// TRUE COPY // P.A. TO JUDGE

SD

P. UBAID, J.

Tr.P.(Crl) No.107 of 2014

Dated this the 22nd day of January, 2015

O R D E R

The petitioner herein is the respondent in M.C.No.49/2014 of the Family Court, Muvattupuzha. He seeks transfer of the said proceeding to the Family Court, Ernakulam. The 1st respondent is his wife and the 2nd respondent is the minor daughter. Their claim for maintenance is resisted by him, and it appears that the petitioner has not so far filed statement of objection to the claim. On a perusal of the application for transfer, I find that the application does not contain any definite ground for transfer of the case from the Family Court, Muvattupuzha to the Family Court, Ernakulam. The distance between these two places is roughly 50 kms. The respondents are residents of Perumbavoor. I fail to understand that why the petitioner seeks transfer of the case from Muvattupuzha to Ernakulam. Admittedly, the other proceedings between the parties are pending before the Family Court, Muvattupuzha. When those proceedings are pending now before the Family Court, Muvattupuzha, it is not known why the maintenance claim alone should come to the Family Court,

Ernakulam. Something will have to be suspected. I find no reason or ground to transfer the maintenance claim from Muvattupuzha to Ernakulam. Alternatively, the learned counsel for the petitioner makes a request to direct the court below to dispose of the claim at the earliest. Learned counsel for the respondent submits that the petitioner has not so far filed statement of objection, and such a person now seeks orders for expeditious disposal. Of course, expeditious disposal will benefit the respondents also. However, the petitioner will have to file counter statement without any delay. It would be appropriate to direct the court below to dispose of the maintenance claim at the earliest, or if possible, within a period of four months, after counter statement is filed by the petitioner herein.

In the result, this Transfer Petition is dismissed. However the court below is directed that trial and disposal in M.C.No.49/2014 shall be expedited, and if possible, it shall be disposed of within four months from the date of filing of the counter statement filed by the petitioner herein.

Sd/-

P. UBAID, JUDGE

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