

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 10TH DAY OF MARCH 2015/19TH PHALGUNA, 1936

Tr.P(Crl.).No. 113 of 2014 ()

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AGAINST MC 105/2013 of FAMILY COURT, THALASSERY

PETITIONER(S)/PETITIONER:

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SHYJU KURIYA  
S/O. GOPALAN POTHEN, KURIYA HOUSE, PERAVOOR AMSOM  
DESOM, KANNUR DISTRICT.

BY ADV. SRI.V.BINOY RAM

RESPONDENT(S)/RESPONDENTS:

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1. M.M.SMITHA  
D/O. MADHAVAN, MALLAPPILLIL HOUSE, KUZHINILAM  
MANANTHAVADY TALUK, WAYANAD DISTRICT, PIN-670645.
2. STATE OF KERALA  
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA  
ERNAKULAM-682031.

R2 BY PUBLIC PROSECUTOR SMT.P.MAYA

THIS TRANSFER PETITION (CRIMINAL) HAVING COME UP FOR  
ADMISSION ON 10-03-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:

Tr.P(Crl.).No. 113 of 2014

APPENDIX

PETITIONER'S EXHIBITS:

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ANNEXURE-I: TRUE COPY OF THE PETITIN IN O.P.455/2013 BEFORE THE  
FAMILY COURT, THALASSERY

ANNEXURE 2: TRUE COPY OF THE PETITION IN M.C. 105/2013 BEFORE THE  
FAMILY COURT, KALPETTA

ANNEXURE-3: TRUE COPY OF THE NOTICE DATED 21-08-2014 FROM  
KERALA STATE CO-OPERATIVE HOSPITAL COMPLEX AND CENTRE FOR ADVANCED  
MEDICAL SERVICE LIMITED, PARIYARAM.

RESPONDENTS EXHIBITS:

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/TRUE COPY/

P.S TO JUDGE

**P.UBAID, J.**  
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**Tr.P.(Crl) No.113 of 2014**  
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**Dated this the 10<sup>th</sup> March 2015**

**ORDER**

The petitioner herein is the respondent in M.C No.105 of 2013 of the Family Court, Kalpetta. The 1<sup>st</sup> respondent herein is his wife. An application filed by the petitioner for divorce is pending as O.P No.455 of 2013 before the Family Court, Thalassery. Now the petitioner seeks transfer of the Maintenance Claim from Kalpetta to Thalassery. The 1<sup>st</sup> respondent is absent in spite of notice.

2. On a perusal of the Transfer Application, I find no reason or ground to transfer the proceeding from Kalpetta to Thalassery. The petitioner's wife is a resident of Mananthavady, and it would be unjust and inappropriate to transfer the Maintenance Claim from Kalpetta to Thalassery for the convenience of the husband. He can very well attend the court at Mananthavady and defend M.C No.105 of 2013 there. The transfer as requested by the husband cannot be granted to the prejudice of the wife. It does not matter that she is ex parte here. For transferring a case

from one court to another, there must be proper reasons and grounds. Here, I find no reason or ground for transfer. Hence, this Transfer Petition is dismissed.

**Sd/-  
P.UBAID  
JUDGE**

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/True copy/

P.S to Judge