



2025:KER:24931

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE BASANT BALAJI

MONDAY, THE 17TH DAY OF MARCH 2025 / 26TH PHALGUNA, 1946TR.P(C) NO. 683 OF 2024

TRANSFER OP NO.795 OF 2023 OF FAMILY COURT, THIRUVANANTHAPURAM

PETITIONER/S:

DR.LAKSHMI SOBHAN
AGED 29 YEARS
D/O.SOBHAKUMAR, LAKSHMI PALACE, ALUMKADAVU P.O., ALAPPAD,
KARUNAGAPPALLY, KOLLAM DISTRICT, PIN - 690573

BY ADVS.
K.C.SANTHOSHKUMAR
K.K.CHANDRALEKHA
K.S.SUDHA
UMADEVI P.S.

RESPONDENT/S:

JAYAPRAKASH,
AGED 34 YEARS, S/O. PRABHAKARAN, CHERUKARASSERIL, ALUMKADAVU
P.O., KARUNAGAPPALLY VILLAGE, KOLLAM DISTRICT, PIN - 690573

THIS TRANSFER PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
17.03.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



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ORDER(Dated this the 17th day of March 2025)

The petitioner and respondent are husband and wife. The petitioner herein is the respondent in O.P. No.795 of 2023 on the files of the Family Court, Thiruvananthapuram, which is filed by the respondent herein seeking restitution of conjugal rights.

2. Earlier, the petitioner filed O.P.(Others) No.42 of 2023 and O.P.(HMA) No.58 of 2023, seeking recovery of the amount and gold sovereigns and for dissolution of marriage respectively, before the Family Court, Chavara.

3. Though service is complete, there is no appearance for the respondent.

4. The petitioner submits that she is working as Resident Medical officer attached to Krishnaprabha Ayurveda hospital, Karunagappally and with her meagre income, she is not in a



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position to travel to Thiruvananthapuram to appear on all posting days and hence, the transfer is sought, to be tried along with the Original Petitions pending before the Family Court, Chavara.

5. The Apex Court in **Sumitha Singh v. Kumar Sanjay and another** [(2001)10 SCC 41], **Mona Aresh Goel V.Aresh Satya Goel**[(2000) 9 SCC 255], **Vaishali Shridhar Jagtap V.Sridahar Vishwanath Jagtap**[AIR 2016 SC 3584] and **Santhini V.Vijaya Venkatesh** [2017 (4) KLT 415(SC)] held that, in matrimonial disputes, the prior consideration is to the convenience of the wife and in such cases the transfer has been effected. Thus, in the light of the uncontroverted averments in the Transfer Petition and the law laid down by the Hon'ble Supreme Court in the afore cited decisions, I am inclined to transfer O.P. No.795 of 2023, pending before the Family Court, Thiruvananthapuram to the Family Court, Chavara, to be tried



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along with O.P.(Others) Nos.42 of 2023 and 58 of 2023.

In the result, this Tr.P.C. is allowed, O.P. No.795 of 2023, pending before the Family Court, Thiruvananthapuram, is withdrawn and transferred to the Family Court, Chavara. The Family Court, Thiruvananthapuram, shall immediately transfer the records to the Family Court, Chavara, and the Family Court, Chavara shall, issue notice to the parties for the appearance.

Sd/-

BASANT BALAJI
JUDGE

dl/



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APPENDIX OF TR.P(C) 683/2024

PETITIONER ANNEXURES

- Annexure A** THE TRUE COPY OF THE ORIGINAL PETITION BEARING O.P. (OTHERS) NO.42/2023 FILED BY THE PETITIONER ON 04.02.2023 BEFORE THE FAMILY COURT, CHAVARA IN KOLLAM DISTRICT
- Annexure B** THE TRUE COPY OF THE ORIGINAL PETITION BEARING O.P. (HMA) NO.58/2023 DATED 8/2/2023 FILED BY THE PETITIONER BEFORE THE FAMILY COURT CHAVARA.
- Annexure C** THE TRUE COPY OF THE ORIGINAL PETITION BEARING O.P.NO.795/2023 FILED BEFORE THE FAMILY COURT, THIRUVANANTHAPURAM DATED 3/4/2023