

IN THE COURT OF SESSIONS, THALASSERY

Present: Sri. K.T.Nisar Ahammed, Sessions Judge.

Wednesday, the 25th day of March, 2026/ 04th Chaithra, 1948.

CrI.MP(TP) No.05/2026

(MC No.22/2024 of Grama Nyayalaya, Irikkur)

Usha Parayil, D/o Balan Nair, aged 61 years,]
Residing at "Chamatha", Perumpullikari,]
Kuttiyattor.P.O, Kuttiyattor Village,] Petitioner
Taliparamba, Kannur.]

Vs.

C.P.Damodaran, S/o. Raman, aged 69 years,]
Residing at "Chamatha", Perumpullikari,] Respondent
Kuttiyattor.P.O, Kuttiyattor Village,]
Taliparamba, Kannur]

Petition filed u/s.408 of BNSS to transfer MC No.22/2024 pending before Grama Nyayalaya, Irikkur to Judicial First Class Magistrate-III, Kannur or any other Judicial First Class Magistrate in Kannur.

This petition coming on the 16th day of March, 2026 for final hearing before me in the presence of Sri.A.S.Madhu Sudanan, Advocate for the petitioner; Sri.Ummer.K, Advocate for the respondent; and having stood over for consideration till this day, the Court passed the following:-

ORDER

Petition filed under Section 408 of the BNSS.

2. The petition averments in brief are as follows:- The petitioner is a senior citizen ailing from poor health. The respondent is her husband. The petitioner filed MC.19/2024 before the Judicial First Class Magistrate Court-III, Kannur under the provisions of Protection of Women From Domestic Violence Act. The respondent appeared and contested the case. The respondent filed a divorce OP before the Family Court and it was dismissed. The MC 19/2024 now stands transferred to Grama Nyayalaya, Irikkur and renumbered as MC.22/2024. The petitioner is unable to travel to Irikkur, a remote place. Her counsel is practicing at Kannur and he is not willing to go to Irikkur to conduct the

case. Only few Lawyers are ready to accept the brief at Irikkur and they are demanding exorbitant fees. If the case is proceeded in Irikkur Grama Nyayalaya, the petitioner will be put to irreparable injury as she could not travel to Irikkur. So, for the above reasons, she prays for transfer of M.C 22/2024 pending before the Grama Nyayalaya, Irikkur to the Judicial First Class Magistrate Court-III, Kannur or to any other Judicial First Class Magistrate Court in Kannur.

3. The respondent filed counter statement and contended as follows: The petition is not maintainable and liable to be dismissed. The reason stated by the petitioner are not sufficient for transferring the case. It is not true that the petitioner is unable to travel to Irikkur which is a remote place. The petitioner is residing at Kuttiyattoor. From that place to Kannur, the distance is 27 k.m, but, the distance of Grama Nyayalaya, Irikkur is only 10k.m. The convenience of the Advocate practising at Kannur is not a ground for transferring the case. It is not true that only few Advocates are conducting brief at Irikkur and they all are demanding exorbitant fees. The respondent is aged 70 years and having all sorts of ailments. He had undergone a heart surgery. He cannot travel to Kannur. The case was posted for evidence before the Gram Nyayalaya, Irikkur several times, but the petitioner failed to appear. Only for filing the present OP on 04.03.2026, she appeared and sought time for evidence. The Gram Nyayalaya posted the case for mediation report. The petition is liable to be dismissed.

4. Heard both sides.

5. On going through the petition averments, and the contentions in the counter statement and on hearing both sides, I am of the opinion that there is no sufficient ground to transfer the case from Grama Nyayalay, Irikkur to Judicial First Class Magistrate Court at Kannur. One of the ground stated was, distance. Grama Nyayalaya, Irikkur is situated in a remote place and the petitioner is unable to travel to the Grama Nyayalaya. But, the respondent has specifically contended that actually the distance from the residence of the petitioner to Grama Nyayalaya is

less when compared to the distance of Kannur Court. Of-course, the petitioner is aged 61 years, but the respondent is aged 69 years. Both are having ailments. The respondent has undergone an open heart surgery. Another ground was that it is difficult to get Lawyers to prosecute the case at Irikkur and the Lawyers are demanding exorbitant fees. As rightly contended by the respondent, it cannot be a ground for transfer of a case. The petitioner being a lady is absolutely entitled for legal aid. She can very well approach DLSA to get a Lawyer for prosecuting her case at Irikkur Grama Nyayalaya. So, for the above reasons, I am not inclined to transfer MC.22/2024 pending before Grama Nyayalaya, Irikkur to Judicial First Class Magistrate Court-III, Kannur or any other Judicial First Class Magistrate Court at Kannur.

Accordingly, the petition is dismissed.

(Dictated to the Confidential Assistant transcribed and typed by her, corrected and pronounced by me in open Court, this the 25th day of March, 2026).

Sd/-
SESSIONS JUDGE

Copy to:-

The Petitioner.

Typed by : Manjush.C
Compared by : Bhagyarajan.C

Fair/Copy of Order in
Crl.MP(TP)No.05/2026
Dated: 25.03.2026.