



2025:KER:29762

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE BASANT BALAJI

MONDAY, THE 7TH DAY OF APRIL 2025 / 17TH CHAITHRA, 1947

TR.P.(C) NO.182 OF 2025
(AGAINST THE ORDER/JUDGMENT IN GOP NO.210 OF 2025
OF FAMILY COURT, MAVELIKKARA)

PETITIONER/RESPONDENT:

ANJU SURESHKUMAR PILLAI, AGED 24 YEARS,
D/O SURESHKUMAR, NILAKKAL VADAKKATHIL,
PAVUMBA, KARUNAGAPALLY, KOLLAM, PIN - 690 574

BY ADVS.
AJAYA KUMAR. G
FATHIMA MAJEED

RESPONDENT/PETITIONER:

GIRISHKUMAR, AGED 37 YEARS, S/O.SUKUMARAN NAIR,
KANNJUKALEEKKAL HOUSE, VALLIKKUNNAM, KADUVINAL P.O.,
ALAPPUZHA, PIN - 690 501

BY ADVS.
K.K.SETHUKUMAR
SARITHA G.R.(K/679/2009)
SREEKRISHNADATH PANDARATHIL E.K.(K/261/2021)
R.RAHUL(K/548/2023)
NISHA MATHEW(KAR/2794/2023)
MEENAKSHY V.S.(K/3351/2023)
PREETHY K.(K/133/2024)

THIS TRANSFER PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
20.3.2025, THE COURT ON 07.04.2025 DELIVERED THE FOLLOWING:



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ORDER(Dated: 7th April, 2025)

The petitioner is the wife, and the respondent herein is the husband. The petitioner seeks the transfer of O.P. (G & W) No.210 of 2025, filed by the respondent, before the Family Court, Mavelikkara, to the Family Court, Chavara.

2. The marriage between the petitioner and the respondent was solemnized on 02.05.2019 at Anupama Auditorium, Pavumba, as per the religious customs and rites of the Hindu Nair Community. A male child is born in the wedlock. The respondent is an alcoholic person, who physically assaulted the petitioner during their matrimonial life, and finally, he deserted the petitioner and her child on 9.11.2024. Thereafter, the petitioner along with her child, are residing with her parents at Pavumba. The entire gold ornaments and the money of the



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petitioner were misappropriated by the respondent during the course of their matrimonial life.

3. The petitioner herein filed O.P.No.50 of 2025 for the recovery of the value of gold ornaments, O.P.(G&W) No.236 of 2025, for permanent custody of the child, and M.C.No.11 of 2025 for maintenance before the Family Court, Chavara, while so, the respondent filed O.P.(G & W) No.210 of 2025 before the Family Court, Mavelikkara, seeking custody of the minor child. Since the petitioner resides at Pavumba along with her minor child, the Family Court, Chavara, is nearer to her residence. Moreover, the other cases filed by the petitioner are also pending before the Family Court, Chavara, thus she seeks a transfer. Though the counsel appeared for the respondent, no counter seems filed.

4. However, the law in respect of transfer of proceedings, particularly in matrimonial disputes, is no longer *res-integra*, in



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view of the categoric declaration of law by the Hon'ble Supreme 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. Shridhar Vishwanath Jagtap* [AIR 2016 SC 3584] and *Santhini v. Vijaya Venkatesh* [2017 (4) KLT 415 (SC)]; wherein it is held that, it is the convenience of the woman and children that have to be looked into while ordering the transfer of a case from one Court to another. The law is quite categoric, and the wife's convenience has to be looked into while deciding a petition for transfer and in such cases, a transfer has been effected.

5. Thus, considering the convenience of both the parties as well as to avoid conflicting judgments, also taking note of the uncontroverted averments in the transfer petition, and in view of the law laid down by the Hon'ble Supreme Court in the afore-cited



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decisions, I am inclined to allow this transfer petition.

In the result, Tr.P.C.No.182 of 2025 is allowed, withdrawing O.P. (G & W) No.210 of 2025 pending before the Family Court, Mavelikkara, and transferring it to the Family Court, Chavara. The Family Court, Mavelikkara, shall transfer the records to the Family Court, Chavara, immediately. The parties are directed to appear before the Family Court, Chavara, on 30.05.2025.

Sd/-
BASANT BALAJI,
JUDGE



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APPENDIX OF TR.P(C) 182/2025

PETITIONER ANNEXURES

Annexure A1	TRUE COPY OF THE ORIGINAL PETITION IN O.P. NO. 50/2025 ON THE FILE OF THE FAMILY COURT CHAVARA
Annexure A2	TRUE COPY OF THE ORIGINAL PETITION IN OP (GW) 236/2025 ON THE FILE OF THE FAMILY COURT CHAVARA
Annexure A3	TRUE COPY OF THE ORIGINAL PETITION IN MC. NO. 11/2025 ON THE FILE OF THE FAMILY COURT CHAVARA
Annexure A4	TRUE COPY OF THE NOTICE DATED 28-2-2025 ISSUED TO THE PETITIONER IN O.P.(G W)NO.210/2025 OF FAMILY COURT MAVELIKKARA