



2025:KER:14742

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C. JAYACHANDRAN

WEDNESDAY, THE 19TH DAY OF FEBRUARY 2025 / 30TH MAGHA, 1946

TR.P(CRL.) NO. 78 OF 2023

AGAINST MC NO.8 OF 2023 OF GRAMA NYAYALAYA, VELLANADU,
THIRUVANANTHAPURAM.

PETITIONER/PETITIONER:

RAJANI V.V
AGED 33 YEARS
D/O. VARGHESE K., RAJANI BHAVAN, ARUVIKAMUZHY, PUNALAL
P.O., ARYANAD, THIRUVANANTHAPURAM, NOW RESIDING AT
ELAVUMCHIRA HOUSE, KALATHARA ROAD, ARROOR VILLAGE &
KARA, ARROOR, WARD NO. 3, ARROOR GRAMA PANCHAYATH,
CHERTHALA, ALAPPUZHA, PIN - 688534

BY ADVS.
GEORGE MATHEW
M.D.SASIKUMARAN
BIJILY JOSEPH
SUNIL KUMAR A.G
MATHEW K.T.
GEORGE K.V.
STEPHY K REGI
MEDHA B.S.

RESPONDENTS/RESPONDENTS:

- 1 JOSEPH K.A
AGED 48 YEARS
S/O. ALEXANDAR ANTHRAPPUR, AGED 48 YEARS, KOOTTUNGAL
HOUSE, KADAKKARAPPALLY P.O., CHERTHALA TALUK, ALAPPUZHA
DISTRICT, PIN - 688529
- 2 THRESYAMMA ALEXANDAR
AGED 69 YEARS
W/O. ALEXANDAR ANTHRAPPUR, AGED 69 YEARS, KOOTTUNGAL

Tr.P.(CrI)No. 78 of 2023



.2.

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HOUSE, KADAKKARAPPALLY P.O., CHERTHALA TALUK,
ALAPPUZHA DISTRICT, PIN - 688529

BY ADV Franklin Arackal A.R

THIS TRANSFER PETITION (CRIMINAL) HAVING BEEN CAME
UP FOR HEARING ON 19.02.2025, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:



O R D E R

Dated this the 19th day of February, 2025

Petitioner is the complainant in M.C.No.8/2022 pending before the Gram Nyayalaya Court, Vellanad. She seeks transfer of the said case to the Gram Nyayalaya Court, SL Puram, Alappuzha.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents. Perused the records.

3. Learned counsel for the petitioner would submit that the M.C. was filed when the petitioner, being as native of Thiruvananthapuram, was working as Assistant Grade-I in the Agricultural department. Subsequently, she was transferred, initially to Adoor, and now at Chellanam, Ernakulam District. Learned counsel would submit that other proceedings relating to the matrimonial disputes are pending before the Family Court, Alappuzha.



O.P.No.591/2023 is one filed seeking restitution of conjugal rights; O.P.No.762/2023, by the petitioner herein seeking a decree of divorce; and O.P.No.907/2023, for return of money and gold ornaments. It was finally pointed out by the learned counsel that the respondents are hailing from Alappuzha district, for which reason they cannot be put to any prejudice or hardship on account of the transfer sought for.

4. This application was opposed by the learned counsel for the respondents. Learned counsel would rely on Section 27 of the Protection of Women from Domestic Violence Act, 2005, ('the D.V.Act' for short) to point out that, the courts at the place where the aggrieved person resides permanently alone will get jurisdiction. That apart, it was also pointed out that the petitioner is not working within the limits of Alappuzha district now, but within the limits of Ernakulam district. On such premise the transfer sought for is opposed.



5. Having heard the learned counsel appearing for the respective parties, this Court finds considerable merit in the submissions made by the learned counsel for the petitioner. As regards Section 27 of the D.V. Act, it is only to be recorded that the same governs the jurisdiction for the purpose of filing a petition under Section 12 of the D.V. Act. The same cannot impact or impinge on the powers of this Court under Section 407 of the Code of Criminal Procedure to effect transfers of cases, if sufficient cause exists for the same.

6. Coming to the facts, this Court notice that, as many as three proceedings by and between the same parties are pending before the Family Court, Alappuzha, which are O.P.No.591/2023, O.P.No.762/2023 and O.P.No.907/2023. It is also noticed that, the respondents are hailing from Alappuzha district, for which reason, they cannot be heard to have any objection or prejudice/hardship on account of the transfer being allowed. The fact that the petitioner is not working in Alappuzha district presently does not



weigh in the mind of this Court. The transfer suits the convenience of the petitioner, a woman, who is presently working at Chellanam - which is on the borders of Alappuzha district - to conduct the case at the Alappuzha Court, than at the Gram Nyayalaya, Vellanad.

7. For the afore-said reasons, the transfer sought for is allowed. There will be a direction to the learned Munsiff at the Gram Nyayalaya, Vellanad, to transmit all the records in M.C.No.8/2023 to the Gram Nyayalaya, SL Puram, Kanjikuzhi, Alappuzha district, forthwith. The parties are put to notice to appear before the Gram Nyayalaya, SL Puram, on 17.03.2025.

The Transfer Petition (Criminal) is allowed as indicated above.

Sd/-

**C. JAYACHANDRAN
JUDGE**

Tr.P.(Crl)No. 78 of 2023



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APPENDIX OF TR.P(CRL.) 78/2023

PETITIONER ANNEXURES

Annexure A1

**CERTIFIED COPY OF M.C.NO.8 OF 2023 DTD.
21.01.2023 OF THE GRAM NYAYALAYA COURT,
VELLANAD, THIRUVANANTHAPURAM**