



2025:KER:11866

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE BASANT BALAJI

WEDNESDAY, THE 5TH DAY OF FEBRUARY 2025 / 16TH MAGHA, 1946

TR.P(C) NO. 724 OF 2023

AGAINST THE ORDER/JUDGMENT IN GOP NO.1578 OF 2023 OF
FAMILY COURT, THRISSUR

PETITIONER:

MRS. KEERTHANA
AGED 23 YEARS
D/O OF ANILKUMAR PALEKOT, PERUNGOTUKKARA DESOM
VADAKKUMURI P.O, VADAKKUMURI VILLAGE THRISSUR TALUK,
THRISSUR DISTRICT, PIN - 680570

BY ADVS.
KARTHIKA MARIA
ABI BENNY AREECKAL
KURIAN ANTONY MATHEW
SANTHOSH MATHEW
ARUN THOMAS
MATHEW NEVIN THOMAS
DIANA LAURANCE PAUL

RESPONDENT:

MR. DHAYAL DAS T
AGED 30 YEARS
S/O DEVDAS THELAPURATH HOUSE PUTHIYEDATH THAZHAM
DESAM CHELANNOR P.O KOZHIKODE DISTRICT, PIN - 673616

THIS TRANSFER PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 05.02.2025, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



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ORDER

Dated this the 5th day of February, 2025

Petitioner is the wife of the respondent. The respondent filed G.O.P. No. 1578/2023, seeking permanent custody of the minor child and O.P. No. 1619/2023, for restitution of conjugal rights, pending before the Family Court, Thrissur. The petitioner filed O.P No. 2193/2023 before the Family Court, Kunnankulam, seeking divorce under Section 13 of the Hindu Marriage Act.

2. The case of the petitioner is that, the petitioner being a resident of Kunnankulam, finds it difficult to travel on all postings to appear before the Family Court, Thrissur, in connection with G.O.P No. 1578 and O.P No. 1619 of 2023 and hence seeks transfer.

3. Though notice was served on the respondent, none appears.

4. Though, the prayer in the transfer petition is to transfer G.O.P No. 1578/2023, an I.A No. 1/2023 is filed to transfer O.P. No. 1619/2023 also. Since O.P No. 2193/2023 is pending before the Family Court, Kunnankulam, taking note of the decision of the Apex Court in **Sumitha Singh v. Kumar Sanjay**



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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)] wherein it was 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 memorandum of transfer petition and the law laid down by the Hon'ble Supreme Court in the afore cited decisions, I am inclined to allow this transfer petition.

5. G.O.P No. 1578/2023 and O.P. No. 1619/2023 pending Family Court, Thrissur, is withdrawn and transferred to the Family Court, Kunnamkulam. The Family Court, Thrissur, shall immediately transfer the records to the Family Court, Kunnamkulam, and the Family Court, Kunnamkulam, shall issue fresh notice to the parties upon receipt of the records.

The Tr.P(C) is allowed as above.

Sd/-
BASANT BALAJI
JUDGE

saap



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APPENDIX OF TR.P(C) 724/2023

PETITIONER ANNEXURES

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| Annexure. A1 | TRUE COPY OF G.O.P NO. 1578 OF 2023 FILED
BEFORE THE FAMILY COURT, THRISSUR |
| Annexure. A2 | TRUE COPY OF THE NOTICE DATED 12.10.2023
ISSUED IN O.P NO. 1619 OF 2023 FILED BEFORE
THE FAMILY COURT, THRISSUR |
| Annexure.A3 | TRUE COPY OF O.P NO. 2193 OF 2023 UNDER
SECTION 13(1)(IA) OF THE HINDU MARRIAGE
ACT, 1869 BEFORE THE FAMILY COURT,
KUNNAMKULAM |

//True copy// PA to Judge