

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE BASANT BALAJI

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

TR.P(C) NO. 380 OF 2024

OP NO.996 OF 2020 OF FAMILY COURT, ATTINGAL

PETITIONER/PETITIONER:

ARSHA RISIS PRASAD
AGED 31 YEARS
D/O ANITHA PRASAD, ARSHA, PLAVILA HOUSE, PUTHENKULAM
P.O., POOTHAKKULAM, KOLLAM, PIN - 691302

BY ADVS.
M.R.SASITH
R.K.CHIRUTHA
NEELANJANA NAIR
ANJANA SURESH.E
REETHU JACOB
GAYATHRI C.H.
NANMA.B.B
LIDHIYA GEORGE
RIYA KOCHUMMAN

RESPONDENTS/RESPONDENTS 1 TO 5:

- 1 VIPINDAS
 AGED 32 YEARS
 S/O THULASIDAS, KARTHIK BHAVAN, KARUNILAKODE,
 PULLANIMOODU, EDAVA, VARKALA, THIRUVANANTHAPURAM,
 PIN - 695311

- 2 THARANGINI
 AGED 23 YEARS
 D/O SUNIJA, KARTHIK BHAVAN, KARUNILAKODE, PULLANIMOODU,
 EDAVA, VARKALA, THIRUVANANTHAPURAM, PIN - 695311



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- 3 SUNIJA
 AGED 55 YEARS
 D/O THULSI DAS, KARTHIK BHAVAN, KARUNILAKODE,
 PULLANIMOODU, EDAVA, VARKALA, THIRUVANANTHAPURAM.,
 PIN - 695311

- 4 THULSIDAS
 AGED 65 YEARS
 S/O DASHARADHAN, KARTHIK BHAVAN, KARUNILAKODE,
 PULLANIMOODU, EDAVA, VARKALA, THIRUVANANTHAPURAM.,
 PIN - 695311

- 5 KARTHIK
 AGED 26 YEARS
 S/O THULSI DAS, KARTHIK BHAVAN, KARUNILAKODE,
 PULLANIMOODU, EDAVA, VARKALA, THIRUVANANTHAPURAM.,
 PIN - 695311

THIS TRANSFER PETITION (CIVIL) HAVING COME UP FOR ADMISSION
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)

The petitioner has approached this Court seeking transfer of O.P No.996/2020 pending before the Family Court, Attingal, to the Family Court, Paravur.

2. The petitioner is the wife of the 1st respondent. Their marriage was solemnized on 29.06.2009, and twin children were born in the wedlock. Due to the matrimonial disputes, the petitioner filed OP No.996/2020 before the Family Court, Attingal, for realization of money and gold ornaments from the respondents. The petitioner also filed MC No.244/2024 for maintenance before the same court.

3. The case of the petitioner is that due to the cruelty on the part of the respondents, she now resides in her parental home at Poothakkulam, in Kollam District. She is not in a position to travel to Attingal, Thiruvananthapuram, due to



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the long distance. The Family Court, Attingal, is 23 km away from Poothakkulam. Her parents are aged, and there is no one to accompany her to the Family Court, Attingal, to contest the case. Moreover, the Family Court, Paravur, is only 4.7 km away from her residence. In such circumstances, she seeks a transfer of O.P No.996/2020 pending before the Family Court, Attingal to the Family Court, Paravur.

4. Notice issued from this Court has been served on the respondents, and none appears.

5. Moreover, the law in respect of transfer of proceedings, particularly in matrimonial disputes, is no longer *res-integra*, in view of the categorical 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**



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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.

6. Therefore, in the light of the uncontroverted averments in the memorandum of transfer petition, the law laid down by the Hon'ble Supreme Court in the aforecited decisions, and taking note of the fact that the petitioner now resides in Kollam District, which is close to the Family Court, Paravur, I am inclined to allow this transfer petition.

In the result, the Transfer Petition is allowed, and O.P No.996/2020 pending before the Family Court, Attingal is withdrawn and transferred to the Family Court, Paravur. The Family Court, Attingal, shall immediately transfer the records to



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the Family Court, Paravur. On receipt of the records, the Family Court, Paravur, shall issue notice to the parties, and dispose of the matter in accordance with law.

SD/-

BASANT BALAJI
JUDGE

JS



APPENDIX OF TR.P(C) 380/2024

PETITIONER ANNEXURES

Annexure-A1

THE TRUE COPY OF THE O.P.NO.996/2020 PENDING
BEFORE HONORABLE FAMILY COURT, ATTINGAL