



2025:KER:18896

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE BASANT BALAJI

WEDNESDAY, THE 5TH DAY OF MARCH 2025 / 14TH PHALGUNA, 1946TR.P.(C) NO.558 OF 2024(AGAINST THE ORDER/JUDGMENT IN OPGW NO.3 OF 2024
OF FAMILY COURT, THIRUVALLA)PETITIONER/RESPONDENT:VISMI VASU, AGED 33 YEARS, D/O. VASU,
SANKARA MANGALAM CHENNITHALA, THRIPPERUMTHARA P.O,
MAVELIKKARA, ALAPPUZHA, PIN - 690 105

BY ADV RESMI NANDANAN

RESPONDENT/:MAHESH B., AGED 38 YEARS,
S/O. BHASKARAN D., MOONUPARAYIL, NEDUMBARAM VILLAGE,
PODIYADI P.O, THIRUVALLA, PATHANAMTHITTA,
REPRESENTED BY POWER OF ATTORNEY HOLDER VALSA K.,
AGED 64 YEARS, W/O.BHASKARAN, MOONUPARAYIL,
NEDUMBARAM VILLAGE, PODIYADI P.O, THIRUVALLA,
PATHANAMTHITTA, PIN - 689 110THIS TRANSFER PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
03.09.2024, THE COURT ON 05.03.2025 DELIVERED THE FOLLOWING:



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ORDER(Dated: 5th March, 2025)

The petitioner is the wife, and the respondent herein is the husband. The petitioner seeks the transfer of O.P.(G & W) No.3 of 2024 pending before the Family Court, Thiruvalla, to the Family Court, Mavelikkara.

2. The marriage between the petitioner and the respondent was solemnized on 11.09.2014 as per the Hindu Marriage Act. Two children were born in the wedlock, aged 7 and 2 years respectively. The petitioner and children have been residing with her parents since 22.08.2020, which is within the jurisdiction of the Family Court, Mavelikkara. She is unemployed and has no earnings. The parents of the petitioner are aged and there is no one to accompany the petitioner for conducting the original petition pending before the Family Court, Thiruvalla. Therefore, the petitioner seeks the transfer of



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O.P.(G&W) No.3 of 2024 pending on the files of the Family Court, Thrivalla to Family Court, Mavelikkara.

3. Though notice was issued to the respondent, none appears.

4. 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 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 categorical, and the wife's convenience has to be looked into while deciding a petition for transfer.



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5. Thus, in the light of the uncontroverted averments in the memorandum of transfer petition and considering the comparative hardship of the wife which has to be given due weightage, when compared to that of the husband as well as the law laid down by the Hon' ble Supreme Court in the afore-cited decisions, I am inclined to allow this transfer petition.

In the result, Tr.P.C.No.558 of 2024 is allowed, withdrawing O.P.(G & W) No.3 of 2024 pending before the Family Court, Thiruvalla, and transferring it to the Family Court, Mavelikkara. The Family Court, Thiruvalla, shall transfer the records to the Family Court, Mavelikkara, immediately. The parties are directed to appear before the Family Court, Mavelikkara, on 20.04.2025.

Sd/-
BASANT BALAJI,
JUDGE



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APPENDIX OF TR.P(C) 558/2024

PETITIONER ANNEXURES

Annexure A1

A TRUE COPY OF THE O.P.(G&W).NO.3/2024 AGAINST THE
PETITIONER AND HER PARENTS BEFORE THE HONOURABLE
BEFORE FAMILY COURT, THIRUVALLA.