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Tr.P(C) No.748 of 2024

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.M.MANOJ

MONDAY, THE 3RD DAY OF MARCH 2025 / 12TH PHALGUNA, 1946

TR.P(C) NO. 748 OF 2024

AGAINST THE ORDER/JUDGMENT DATED IN OP NO.1681 OF
2023 OF FAMILY COURT, KUNNAMKULAM

PETITIONER:

TESNA MARIA
AGED 30 YEARS
TESNA MARIA, AGED 30, D/O LESLY FERNANDEZ,
HAVING PERMANENT ADDRESS AT ‘MARYKRUPA',
KOLLANNOOR HOUSE, PUVATHUR P.O., BRAHMAKULAM
VILLAGE, THRISSUR - 680508, CURRENTLY RESIDING
AT KOZHAKKEAANJIKATH HOUSE, ABDULLA'S CORNER,
SOUTH KALAMASSERY, COCHIN UNIVERSITY P.O.,
ERNAKULAM, PIN - 682022

BY ADVS.
P.G.JAYASHANKAR
S.RAJEEV (K/001711/2019)
SAJANA V.H
SHAIJU GEORGE
AADERSH R.S. PANICKER
PUSHPAVATHI.K

RESPONDENT:

JOMON K.J.
AGED 35 YEARS
S/O JOSE K.R., RESIDING AT KATTUNGAL HOUSE,
PATTIKAD P.O., PANANCHERY VILLAGE,
THRISSUR, PIN - 680562

THIS TRANSFER PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 03.03.2025, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

**ORDER**

Dated this the 3rd day of March, 2025

The transfer petition is preferred seeking for a permission to transfer O.P. No.1681 of 2023 filed by the petitioner before the Family Court, Kunnampulam to the Family Court, Ernakulam.

2. It is the case of the petitioner that the petitioner and respondent are wife and husband. Their marriage was solemnized on 08.09.2019 and they have a minor child in the said wedlock. Due to marital dispute, the petitioner left the matrimonial home. Now she is pursuing Ph.D under Faculty of Marine Sciences in Cochin University of Science and Technology, whereby, the petitioner finds it difficult to attend the sessions at Family Court, Kunnampulam. For the purpose of pursuing her Ph.D studies, she is residing at Kalamassery. Moreover, the child has Attention Deficit Hyperactivity Disorder and is undergoing therapeutic treatment. Therefore, the petitioner finds it difficult to attend the court



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sessions which are conducted at Family Court, Kunnankulam. This is the circumstance under which the petitioner approached this Court under Section 24 of the Code of Civil Procedure, 1908, seeking for a transfer of O.P. No.1681 of 2023 from Family Court, Kunnankulam to Family Court, Ernakulam.

3. In **Reshmi Radhakrishna v. Shiju Alex Varghese** [(2020) SCC OnLine Ker 17429], this Court observed that 'in matrimonial disputes, while considering transfer petitions, the convenience of the wife has to be given prime consideration'. With respectful agreement to the aforementioned decision, I feel it appropriate to allow the transfer petition on the background that the petitioner is not in a favourable situation to conduct the cases which is pending before the Family Court, Kunnankulam.

4. Though notice was served on the respondent, he has not chosen to enter appearance before this Court.

5. Having regard to the facts and circumstances involved and also considering the decisions rendered supra, I am of the considered opinion that the petitioner is entitled to get the relief sought in the Transfer Petition. Accordingly,



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there will be a direction to transfer O.P. No.1681 of 2023 from Family Court, Kunnampulam to Family Court, Ernakulam, as expeditiously as possible.

The Transfer Petition is allowed.

Sd/-

P.M.MANOJ
JUDGE

sss



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APPENDIX OF TR.P(C) 748/2024

PETITIONER ANNEXURES

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| Annexure A1 | A TRUE COPY OF OP FILED BY THE
PETITIONER ORIGINALLY ON THE FILES OF
FAMILY COURT, THRISSUR, SUBSEQUENTLY
RENYMBERED AS OP NO. 1681 OF 2023 ON
THE FILES OF FAMILY COURT,
KUNNAMKULAM |
| Annexure A2 | A TRUE COPY OF THE RENT AGREEMENT
DATED 01.01.2024 EXECUTED BY THE
PETITIONER |
| Annexure A3 | A TRUE COPY OF REGISTRATION ORDER
BEARING NO. AC.B1/6595/PH.D
REGISTRATION-2023-24 DATED 27.09.2023
EVIDENCING THE ADMISSION GRANTED FOR
REQUEST FOR RESEARCH BY THE
UNIVERSITY |