
(2010) 07 KL CK 0085
In the High Court Of Kerala
Case No : Tr. P (C) . No. 84 of 2010

Abitha

APPELLANT

Vs

Shanil Kumar Gopi

RESPONDENT

Date of Decision : 08-07-2010

Acts Referred:

Citation : (2010) 07 KL CK 0085

Hon'ble Judges : Thomas P. Joseph, J

Bench : Single Bench

Advocate : G. Sreekumar, for the Appellant; Jaiji Itten, for the Respondent

Final Decision : Dismissed

Judgement

Thomas P. Joseph, J.—The wife seeks transfer of G.O.P. No. 60 of 2010 from the Family Court, Ernakulam to Family Court, Thrissur. Petitioner/wife stated that she is a resident of Nattika which according to the learned Counsel is nearer to Family Court, Thrissur than to Family Court, Ernakulam where case is now pending. It is stated that M.C. No. 93 of 2010 filed by petitioner seeking maintenance for herself and the child is pending in Family Court, Thrissur and if the cases are pending in two courts petitioner will have to attend the courts at Thrissur and Ernakulam. It is also stated that there is nobody else to look after petitioner's minor child. In the circumstances the request for transfer.

2. Learned Counsel for respondent would contend that Nattika is not a far away place from Ernakulam nor is it inconvenient for petitioner to go to Ernakulam. It is also stated that respondent, to see his child has to go to Thrissur if the case is transferred to Family Court, Thrissur.

3. It is stated that petitioner is a resident of Nattika and that respondent resides at Kakkanadu in Ernakulam District. Indisputably, M.C. No. 93 of 2010 filed by petitioner seeking maintenance from respondent is pending in Family Court, Thrissur. So far there is no request from the respondent to transfer that case to Family Court, Ernakulam. It is only just and convenient to consolidate the cases

in the same court so that parties need not go to different courts. I also bear in mind that the place of residence of petitioner is nearer to Family Court, Thrissur. Considering these circumstances I am inclined to allow this petition.

Resultantly this petition is allowed in the following lines:

- i. G.O.P. No. 60 of 2010 pending in Family Court, Ernakulam is withdrawn from that court and made over to Family Court, Thrissur.
- ii. The transferor court shall, while transmitting records of the case to the transferee court fix the date for appearance of parties in the transferee court with due intimation to the counsel on both sides.

I.A. No. 747 of 2010 will stand dismissed.