

(2013) 01 KL CK 0128
In the High Court Of Kerala
Case No : Tr. P. (C) . No. 534 of 2012

Krishnakumar Rep. by Mother and Next Friend Suseela V. Nair	APPELLANT
Vs	
Dhanya	RESPONDENT

Date of Decision : 07-01-2013

Acts Referred:

Citation : (2013) 01 KL CK 0128

Hon'ble Judges : Thomas P. Joseph, J

Bench : Single Bench

Advocate : P. Santhosh, Poduval and Smt. R. Rajitha, for the Appellant;

Judgement

Thomas P. Joseph, J.—The respondent is served but, there is no response. This petition is filed by the husband, stated to be deaf and dumb seeking transfer of O.P. No. 733 of 2010 from the Family Court, Malappuram to the Family Court, Thrissur.

2. It is stated that the petitioner is a resident of Ponnani while the respondent is residing at Guruvayoor (the latter, in Thrissur District). It is also stated that the respondent has filed M.C. No. 231 of 2012 seeking maintenance from the petitioner in Family Court, Thrissur. She has filed O.P. No. 643 of 2012 for return of gold ornaments also in that court.

3. The learned counsel submits that Ponnani is towards south-western corner of Malappuram District adjoins Chavakkad Taluk in Thrissur District and that the distance from Ponnani to Thrissur is almost equal to the distance from Ponnani to Malappuram. The learned counsel also submits that since the respondent is residing at Guruvayoor which is nearer to Thrissur than to Malappuram, the respondent also will be benefited by transfer of the case to Thrissur. Learned counsel points out that the notice issued to the respondent is served in her Guruvayoor address. Moreover, the two cases filed by the respondent are pending in the Family Court, Thrissur. Hence convenience of the parties also requires that all the cases are tried and disposed of by the same court. Having

regard to the above circumstances I am inclined to allow the request.

Resultantly this petition is allowed as follows:

(i) O.P. No. 733 of 2010 pending in the Family Court, Malappuram is withdrawn from that court and made over to the Family Court, Thrissur for trial and disposal.

(ii) The transferor court while transmitting records of the case to the transferee court shall fix the date for appearance of parties in the transferee court with due intimation to the counsel on both sides.

(iii) The transferee court shall post the cases - O.P. No. 733 of 2010 (being transferred to that court) and O.P. No. 643 of 2012 and M.C. No. 231 of 2012 (pending in that court) as far as possible on the same dates.

I.A. No. 2977 of 2012 will stand dismissed.