

Juley Vs. George Mathews

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Court : Kerala

Decided On : Jul-30-2013

Judge : Honourable Mr.Justice P.N.Ravindran

Appellant : Juley

Respondent : George Mathews

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN TUESDAY, THE 30TH DAY OF JULY 2013 8TH SRAVANA, 1935 Tr.P(C).No. 100 of 2013 () -----
OP NO.980/2011 OF THE FAMILY COURT, ALAPPUZHA
PETITIONER(S)/RESPONDENT: ----- JULEY, AGED 3 YEARS
W/O. GEORGE MATHEWS, CHITILAPPALLY THOMMANA VEEDU
AVITTATHOOR P.O., IRINJALAKUDA, MUKUNDAPURAM TALUK THRISSUR
DISTRICT, PIN-680683. BY ADV. DR.V.N.SANKARJEE
RESPONDENT(S)/PETITIONER: ----- GEORGE MATHEWS,
AGED 3 YEARS S/O. MATHEWS, NAMPOZHIL NALLAVEEDU, KOMALUR
CHUNAKKARA VILLAGE, CHUNAKKARA P.O. ALAPPUZHA DISTRICT, PIN-
690505. BY ADVS.SRI.JACOB VARGHESE (SENIOR) SRI.VIVEK VARGHESE
P.J.

SRI.VARUGHESE M EASO SRI.P.J.VINOD JOSEPH THIS TRANSFER
PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30-07-2013, THE

COURT ON THE SAME DAY PASSED THE FOLLOWING: Tr.P(C).No. 100 of 2013 () ----- APPENDIX PETITIONER'(S) ANNEXURES: ANNEX-I COPY OF OP NO.980/2011 PENDING BEFORE THE FAMILY COURT, ALAPPUZHA. ANNEX-II COPY OF THE CERTIFICATE DATED 6 3.2013 ISSUED BY THE PRINCIPAL OF SCHOOL. RESPONDENT'(S) ANNEXURES: NIL //TRUE COPY// PA TO JUDGE BKA P.N.RAVINDRAN, J.

----- Tr.P.(C).No.100 of 2013

----- Dated this the 30th day of July, 2013 JUDGMENT

The petitioner is the wife of the respondent. The marriage between them was solemnized on 15.3.2006. Later disputes and differences arose and they are now residing separately. In the marriage two children were also born and they are presently with the petitioner at Irinjalakuda. The respondent has filed O.P.No.980 of 2011 before the Family Court, Alappuzha under section 10(x) of the Indian Divorce Act for a decree of divorce dissolving the marriage between him and the petitioner. In this transfer petition the petitioner prays for transfer of O.P.No.980 of 2011 from Family Court, Alappuzha to Family Court, Irinjalakuda for trial and disposal.

2. I heard Dr.V.N.Sankarjee, learned counsel appearing for ;the petitioner and Sri.Jacob Varghese, learned Senior Advocate, appearing for the respondent. I have also gone through the pleadings and the materials on record. The respondent is admittedly employed at Abudabi for the past several years. The petitioner is admittedly residing at Irinjalakuda within the local limits of the territorial jurisdiction of the Family Court, Tr.P(C)No.100/2013 -:2:- Irinjalakuda. The children are also in her custody. They are aged 6 years and 3 years. Such being the situation, as the respondent has to travel from Abudabi to Cochin to participate in the trial of the case, whether it be at Irinjalakuda or at Alappuzha, and the distance from Cochin to Irinjalakuda and Cochin to Alappuzha is more or less identical, I am of the opinion that no inconvenience whatsoever will be caused to him if the case is transferred from Family Court, Alappuzha to Family Court, Irinjalakuda. In any event, the inconvenience that will be occasioned to the petitioner if the request for transfer is not granted will outweigh the inconvenience caused to the respondent. Though the learned Senior Advocate appearing for the respondent submitted that

the transfer may be to Family Court, Ernakulam, I find no reason to grant the said request. I accordingly allow the transfer petition and transfer O.P.No.980 of 2011 from Family Court, Alappuzha to Family Court, Irinjalakuda for trial and disposal. The parties shall appear before the Family Court, Irinjalakuda through counsel on 26.8.2013. P.N.RAVINDRAN, Judge. ahg. P.N.RAVINDRAN, J.

----- Tr.P.(C).No.100 of 2013 ----- JUDGMENT
30 h July, 2013

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