

Rekha Vs. Prakasan

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Court : Kerala

Decided On : Oct-03-2013

Judge : Honourable Mr.Justice P.N.Ravindran

Appellant : Rekha

Respondent : Prakasan

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN THURSDAY, THE 3D DAY OF OCTOBER 2013 11TH ASWINA, 1935 Tr.P(C).No. 110 of 2013 () ----- OP1062013 of FAMILY COURT, IRINJALAKUDA ----- PETITIONER : ----- REKHA AGED 45 YEARS, W/O. PRAKASAN, CHOMATTIL HOUSE, KOORKKENCHERRY.P.O. THRISSUR DISTRICT. BY ADVS.SRI.P.SANTHOSH (PODUVAL) SMT.R.RAJITHA RESPONDENTS : ----- 1. PRAKASAN, AGED 57 YEARS S/O. KUNJANDI, CHOMATTIL HOUSE, NADAVARMBU.P.O. IRINJAKKUDA, THRISSUR DISTRICT-680661.

2. VENUGOPALAN, AGED 62 YEARS S/O. UNNIPARAMBATH GOVINDANKUTTY, NADAVARMBU.P.O. IRINJALAKKUDA, THRISSUR DISTRICT-680661.

3. MURALEEDHARAN, AGED 46 YEARS S/O. VELAPPA KURUP, PADINJATTEDATH KALARIKKAL HOUSE, VELLANGALLOOR, THRISSUR

DISTRICT-680662. R1 & R2 BY ADV. SRI.V.M.KRISHNAKUMAR R3 BY ADVS. SRI.NAGARAJ NARAYANAN SRI.SAIJO HASSAN SRI.BENOJ C AUGUSTIN SRI.I.J.AUGUSTINE SRI.SEBIN THOMAS SMT.J.KASTHURI SRI.PRATHAP PILLAI SRI.P.E.SAJAL THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03.10.2013, ALONG WITH TPC. 111/2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: BP Tr.P(C).No. 110 of 2013 ()
APPENDIX PETITIONER'S ANNEXURES : ANNEXURE A: COPY OF THE PETITION IN O.P.106/2013 BEFORE FAMILY COURT, IRINJALAKKUDA.
RESPONDENT'S ANNEXURES : NIL. //TRUE COPY// P.A. TO JUDGE BP P.N.RAVINDRAN, J.

----- Tr.P.(C).Nos.110 & 111 of 2013
----- Dated this the 3rd day of October, 2013

ORDER

The common petitioner in these transfer petitions is the former wife of the first respondent in Tr.P.(C) No.110 of 2013. Respondents 2 and 3 in Tr.P.(C) No.110 of 2013 are persons who have purchased properties from the first respondent as per two sale deeds dated 7.12.2012 registered as document Nos.3673 and 3674 of 2012 of SRO, Vadakkumkara. The marriage between the petitioner and the first respondent in Tr.P.(C) No.110 of 2013 was solemnised on 20.11.1983. Two sons and a daughter were born in that marriage. Later they fell out and they started residing separately. The first respondent husband thereafter filed O.P.No.1557 of 2012 before the Family Court, Irinjalakkuda for a decree dissolving his marriage with the petitioner on the ground of adultery. The petitioner did not contest the case, with the result it was decreed. The petitioner had more or less simultaneously filed O.P.No.1594 of 2012 before the Family Court, Thrissur claiming past and future maintenance from the first respondent husband. The said case was instituted on 12.11.2012. Within a month thereafter, the first respondent husband transferred two different parcels of land belonging to him to respondents 2 and 3 as per the above referred Tr.P.(C).Nos.110 & 111 of 2013 ..2.. sale deeds. The petitioner thereupon filed O.P.No.106 of 2013 before the Family Court, Irinjalakkuda to set aside the aforesaid sale deeds. She has also filed O.P.No.156 of 2013 before the Family Court, Thrissur for return of 192 sovereigns of gold

ornaments in specie or the value thereof.

2. The second respondent in Tr.P.(C) No.110 of 2013 who is the sole respondent in the connected case has instituted O.S.No.79 of 2013 in the Sub Court, Irinjalakkuda for a permanent prohibitory injunction restraining the petitioner from interfering with his possession and enjoyment of the lands transferred to him by the first respondent. In Tr.P.(C) No.110 of 2013 the wife prays for transfer of O.P.No.106 of 2013 instituted by her in Family Court, Irinjalakkuda to Family Court, Thrissur for trial and disposal. In Tr.P.(C) No.111 of 2013 she prays for transfer of O.S.No.79 of 2013 pending before the Sub Court, Irinjalakkuda to Sub Court, Thrissur for trial and disposal. Though the respondents have been served and they have entered appearance, they have not so far filed objections. The petitioner has averred that she is residing at Koorkkanchery in Thrissur town which is nearer to Family Court, Thrissur than Family Court, Irinjalakkuda, that she is unemployed and has no income of her own and therefore, it would be convenient for her, if the cases are transferred to Family Court, Thrissur and Tr.P.(C).Nos.110 & 111 of 2013 ..3.. Sub Court, Thrissur respectively. She has also referred to the pendency of O.P.No.1594 of 2012 in Family Court, Thrissur wherein she has prayed for setting aside the sale deeds executed by the first respondent and respondents 2 and 3, as also the pendency of O.P.No.156 of 2013 before the Family Court, Thrissur.

3. The first respondent who is a permanent resident of Irinjalakkuda is presently abroad. Respondents 2 and 3 are also permanent residents of Irinjalakkuda and Vellangalloor which are situate approximately 20 kilometers away from Thrissur. Transfer of these cases would not therefore cause any inconvenience to any one among them. That apart, they have not moved this Court so far seeking transfer of O.P.No.1594 of 2012 and O.P.No.156 of 2013 which are pending in Family Court, Thrissur. The fact that the first respondent husband in Tr.P.(C) No.110 of 2013 is not paying any amount towards the petitioner's maintenance is also not in dispute. In such circumstances, I am of the opinion that the petitioner's request to transfer the cases presently pending in Family Court, Thrissur and Sub Court, Irinjalakkuda to Family Court, Thrissur and Sub Court, Thrissur should be granted. I accordingly allow Tr.P.(C) Nos.110 of 2013 and transfer O.P.No.106 of 2013 presently

pending in Family Court, Irinjalakkuda to Family Court, Thrissur for trial and disposal. I also allow Tr.P(C) Tr.P.(C).Nos.110 & 111 of 2013 ..4.. No.111 of 2013 and transfer O.S.No.79 of 2013 presently pending in the Court of the Subordinate Judge of Irinjalakkuda to the Court of the Subordinate Judge of Thrissur for trial and disposal. The parties shall appear before the Family Court, Thrissur through counsel in the first instance on 28.10.2013 and in the Sub Court, Thrissur through counsel on 29.10.2013. Sd/- P.N.RAVINDRAN, JUDGE. rkc.

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