

Devapriya Vs. Saji M B

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Court : Kerala

Decided On : Sep-30-2013

Judge : Honourable Mr.Justice P.N.Ravindran

Appellant : Devapriya

Respondent : Saji M B

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN MONDAY, THE 30TH DAY OF SEPTEMBER 2013 38TH ASWINA, 1935 Tr.P(C).No. 268 of 2013 () ----- (TO TRANSFER OP3052013 OF FAMILY COURT, ALAPPUZHA TO FAMILY COURT, KOTTAYAM AT ETTUMANOOR) PETITIONER: ----- DEVAPRIYA, W/O. SHAJI, AGED 36 YEARS, KOLLERIL HOUSE, TV PURAM KARA, VAIKOM VILLAGE VAIKOM TALUK, KOTTAYAM DISTRICT. BY ADV. SRI.M.J.THOMAS RESPONDENT: ----- SAJI M B, AGED 41 YEARS S/O.BHASKARAN, MUNDUCHIRAYIL HOUSE, MANGALAM WARD KANJIRAMCHIRA P.O., ALAPPUZHA. R1 BY ADV. SRI.AJITH MURALI THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/09/2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Tr.P(C).No. 268 of 2013 () APPENDIX PETITIONER'S EXHIBITS: ANNEXURE 1 TRUE COPY OF THE OP NBO.1709/2012 OF THE FAMILY COURT, KOTTAYMA AT ETTUMANOOR. ANNEXURE 2 TRUE COPY OF THE PETITION FILED IN MC3982012 BEFOR THE FAMILY COURT, KOTTAYAM AT

ETTUMANOOR. ANNEXURE3 TRUE COPY OF THE OP3052013 OF THE FAMILY COURT, ALAPPUZHA. RESPONDENTS' EXHIBITS: NIL //TRUE COPY// PA TO JUDGE Scl. P. N. RAVINDRAN, J.

----- Tr.P.C. No. 268 of 2013 ----- Dated this the 30th day of September, 2013

ORDER

The petitioner is the wife of the respondent. The marriage between them was solemnized on 10.12.2011. Later they fell out and they are now residing separately. The petitioner has filed O.P.No.1709 of 2012 before the Family Court, Kottayam at Ettumanoor, for realisation of money and for recovery of gold ornaments stated to have been entrusted to the respondent by the petitioner. She has also filed M.C.No.398 of 2012 before the very same Family Court under Section 125 of the Code of Criminal Procedure, seeking maintenance. The respondent husband has filed O.P.No.305 of 2013 before the Family Court, Alappuzha for decree dissolving the marriage between him and the petitioner. In this transfer petition, the petitioner prays for transfer of O.P.No.305 of 2013 from Family Court, Alappuzha to Family Court, Kottayam at Ettmanoor for trial and disposal.

2. The petitioner has averred that she is residing at Vaikom with her aged parents and that there is nobody to accompany her to Alappuzha to defend the case. She has also Tr.P.C. No. 268 of 2013 2 averred that the respondent is not paying any amount towards her maintenance and therefore, it will cause serious inconvenience to her if she has to travel from Vaikom to Alappuzha.

3. Though the respondent has been served, he has not chosen to enter appearance and filed objections. That apart, he has not so far taken any steps to transfer M.C. No.398 of 2012 and O.P.No.1705 of 2012 from Family Court, Kottayam at Ettumanoor to Family Court, Alappuzha. In such circumstances, accepting the uncontraverted averments in the petition for transfer, I allow the transfer petition and transfer O.P.No.305 of 2013 from Family Court, Alappuzha to Family Court, Kottayam at Ettumanoor. It will be open to either side to move the Family Court for joint trial of the cases. The petitioner shall appear before the

Family Court, Kottayam at Ettumanoor through counsel in the first instance on 28.10.2013. The Family Court, Kottayam at Ettumanoor shall issue notice to the respondent before proceeding with the case. Sd/- P. N. RAVINDRAN, JUDGE. Scl.

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