

**Sabitha Vs. Sunil**

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**SooperKanoon Citation :** [sooperkanoon.com/1099755](http://sooperkanoon.com/1099755)

**Court :** Kerala

**Decided On :** Nov-26-2013

**Judge :** Honourable Mr.Justice P.N.Ravindran

**Appellant :** Sabitha

**Respondent :** Sunil

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN TUESDAY, THE 26<sup>TH</sup> DAY OF NOVEMBER 2013 5<sup>TH</sup> AGRAHAYANA, 1935 Tr.P(C).No. 431 of 2012 () ----- (TO TRANSFER OF O.P.NO.338/2012 BEFORE THE FAMILY COURT, PALAKKAD TO FAMILY COURT, THRISSUR) PETITIONER/RESPONDENT: ----- SABITHA, AGED 23 YEARS D/O.SIVADASAN, RESIDING AT ROSA BAZAR, PAYYAZHI VIYYUR VILLAGE, THRISSUR DISTRICT. BY ADVS.SRI.P.SANTHOSH (PODUVAL) SMT.R.RAJITHA RESPONDENT/PETITIONER: ----- SUNIL, AGED 36 S/O. KUTTA MOHAN, SOUPARNIKA, VEERAMANGALAM P.O. THRIKKADIRI, OTTAPPALAM, PALAKKAD DISTRICT-679112. R1 BY ADV. SRI.JACOB SEBASTIAN THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/11-2013, ALONG WITH TPC. 38/2013 & TPCR. 27/2013 THE COURT ON THE SAME DAY PASSED THE FOLLOWING: mns Tr.P(C).No. 431 of 2012 () APPENDIX PETITIONER'S ANNEXURES: ANNEXURE A: TRUE COPY OF THE PETITION IN O.P.NO.338/2012 BEFORE FAMILY COURT,

PALAKKAD ANNEXURE B:TRUE COPY OF THE PETITION IN O.P.NO.1553/2012 FILED BY THE PETITIONER BEFORE THE FAMILY COURT, THRISSUR RESPONDENTS' ANNEXURES: NIL //TRUE COPY// P A TO JUDGE P.N.RAVINDRAN, J.

----- Tr.P.(C).Nos.431 of 2012 & 38 of 2013 and Tr.P(Crl.) No.27 of 2013 ----- Dated this the 26th day of November, 2013

## ORDER

The petitioner in Tr.P.C.No.431 of 2012 is the wife of the respondent. The marriage between them was solemnised on 2.5.2010. In that marriage a child now aged 2= years was born on 27.4.2011. Later the parties fell out and they are now residing separately. The respondent husband has filed O.P.No.338 of 2012 before the Family Court, Palakkad under section 9 of the Hindu Marriage Act for restitution of conjugal rights. The petitioner has filed O.P.No.1553 of 2012 before the Family Court, Thrissur for return of gold ornaments or in the alternative for its value. The petitioner has also filed M.C.No.169 of 2012 before the Family Court, Thrissur seeking maintenance for herself and her minor child. In Tr.P.C.No.431 of 2012 she seeks for transfer of O.P.No.338 of 2012 filed by the respondent husband from Family Court, Palakkad to Family Court Thrissur for trial and disposal along with O.P.No.1553 of 2012. The respondent-husband has Tr.P.(C).Nos.431/2012 and 38/2013 and Tr.P(Crl.)No.27/2013 -:2:- filed Tr.P.(Crl.)No.27 of 2013 and Tr.P.C.No.38 of 2013 praying for transfer of M.C.No.169 of 2012 and O.P.No.1553 of 2012 from Family Court, Thrissur to Family Court, Palakkad.

2. The main contention raised by the petitioner in Tr.P.C.No.431 of 2012 is that she will have to travel 75 Kms. from her residence to Family Court, Palakkad, that she has to look after her 2 year old child, that she is dependent on her father, who is a coolie worker and is suffering from various ailments and in such circumstances unless O.P.No.338 of 2012 presently pending in Family Court, Palakkad is transferred to Family Court, Thrissur, she will be put to serious inconvenience. The stand taken by the husband in the transfer petitions filed by

him is that he is under treatment for cardiac ailment and has also undergone coronary angioplasty to the right coronary artery and therefore it is difficult for him to travel to Thrissur to defend M.C.No.169 of 2012 and O.P.No.1553 of 2012.

3. When these transfer petitions came up for hearing today learned counsel on both sides submitted that a Family Court has been established at Ottappalam and that they have no objection in the cases being transferred to Family Court, Ottappalam. Tr.P.(C).Nos.431/2012 and 38/2013 and Tr.P(Crl.)No.27/2013 -:3:- I accordingly allow these transfer petitions and transfer M.C.No.169 of 2012 and O.P.No.1553 of 2012 presently pending on the files of Family Court, Thrissur and O.P.No.338 of 2012 presently pending on the files of Family Court, Palakkad to Family Court, Ottappalam. The parties shall appear initially through counsel before the Family Court, Ottappalam on 16.12.2013. P.N.RAVINDRAN, Judge. ahg. P.N.RAVINDRAN, J.

----- Tr.P.(C).Nos.431 of 2012 & 38 of 2013 and Tr.P(Crl.) No.27 of 2013 -----

ORDER

26h November, 2013

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