

Jessy John vs Robin

Jessy John vs Robin

SooperKanoon Citation : sooperkanoon.com/1282972

Court : Kerala

Decided On : Jul-31-2025

Judge : Honourable Mr. Justice K. Natarajan

Appeal No. : Tr.P(C)/210/2024

Appellant : Jessy John

Respondent : ROBIN

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE VIJU ABRAHAM
MONDAY, THE 15TH DAY OF JULY 2024 / 24TH ASHADHA, 1946
TR.P(C) NO. 210 OF 2024 AGAINST THE ORDER/JUDGMENT DATED
IN OP(OTHERS) NO.2423 OF 2023 OF FAMILY COURT, PUNALUR
PETITIONER: JESSY JOHN AGED 34 YEARS D/O JOHN,
PUTHANVEEDU HOUSE, IDAMULAKKAL, AYYUR P.O., CURRENTLY
RESIDING AT SANGAM STORE QUARTERS, SCHOOLKUNNU,
MARUTHA P.O., VAZHIKKADAVU VILLAGE, NILAMBUR TALUK,
MALAPPURAM DISTRICT., PIN - 679333 BY ADVS. P.SAMSUDIN
A.M.BABU LIRA A.B. NASRIN WAHAB DEVIKA E.D. RESPONDENTS:

1 ROBIN AGED 38 YEARS S/O THANKACHAN, RAJBHAVAN, KOMBETTIMALA, ASURAMANGALAM, OZHUKKUPARAKKAL PO, IDAMULAKKAL AMSOM, ASURAMANGALAM DESOM, IDAMULAKKAL VILLAGE, KOLLAM DISTRICT., PIN - 2 THANKAMMA JOHN AGED 58 YEARS W/O. JOHN, PUTHANVEEDU HOUSE, IDAMULAKKAL, AYYUR P.O., CURRENTLY RESIDING AT SANGAM STORE QUARTERS, SCHOOLKUNNU, MARUTHA P.O., VAZHIKKADAVU AMSOM, NILAMBUR TALUK, MALAPPURAM DISTRICT., PIN - 679333 BY ADV JASNEED JAMAL

THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15.07.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: Tr.P.(C) No.210 of 2024 :2:

VIJU ABRAHAM, J.

----- Tr.P.(C) No.210 of 2024 -----

--- Dated this the 15th day of July, 2024

ORDER

This transfer petition is filed seeking to transfer OP (OTH) No. 2423/2023 from the files of Family Court, Punalur to Family Court Malappuram.

2. Petitioner is the 1st respondent and 1st respondent is the

petitioner and 2nd respondent herein is the 2nd respondent in OP(OTH) No.2423/2023 on the files of Family Court Punalur, which was filed seeking eviction of the petitioner from the house of the respondent. Petitioner and the 1 st respondent got married on 11.12.2014. One girl child is born in the wedlock. The relationship between the petitioner and the 1 st respondent got strained and it is averred that with an intention to harass the petitioner, the 1 st respondent filed OP(OTH) No.2423/2023 before the Family Court Punalur. The petitioner submits that she was subjected to utmost cruelties both mental and physical from the respondent and his family. The petitioner filed OP No.81/2024 before the files of

Family Court Malappuram seeking divorce. The petitioner further submits that she along with her child are residing in Malappuram Tr.P.(C) No.210 of 2024 :3: district and the distance between Malappuram to Kollam is about 300 kms and it is not possible for her to travel this much long distance along with the minor child. It is also submitted that she is not in a financial condition to afford the travel expenses since she has no source of income of her own. Petitioner further submits that another proceedings in OP No.81/2024 is pending consideration before the Family Court, Malappuram.

3. Though notice was issued to the respondents, the 1 st respondent did not appear.

4. Admittedly the petitioner is residing in Malappuram along

with her child and the OP No.2423/2023 is pending before the Family Court, Punalur, which is 300 Kms away from her place of residence. Another petition filed as O.P. No.81/2024 is pending before the Family Court, Malappuram, seeking divorce. It is settled law that the convenience of the wife is of prime consideration, while considering an application for transfer of the case(See the judgments of the Apex Court in Aishwarya v. Saravana Karthik Sha[2022 (4) KLT OnLine 1020 (SC)], Rajani Kishor Pardeshi v. Kishor Babulal Pardeshi [2005 (1) KLT OnLine 1169(SC)], Mangla Patil Kale v. Sanjeev Kumar Kale [2003 (10) SCC 280] and Sumita Singh v. Kumar Sanjay Tr.P.(C) No.210 of 2024 :4: and another [AIR 2002 (SC) 396]).

4. Taking all these aspects into consideration, I am inclined

to pass an order directing to transfer OP (OTH) No. 2423/2023 from the files of Family Court, Punalur to Family Court Malappuram for trial and disposal. The above transfer petition is allowed as above. Sd/- VIJU ABRAHAM JUDGE sm/
Tr.P.(C) No.210 of 2024 :5: APPENDIX OF TR.P(C) 210/2024 PETITIONER ANNEXURES Annexure -A1 TRUE COPY OF THE PETITION DATED 18-12-2023 IN OP(OTH) 2423/2023 ON THE FILES OF FAMILY COURT PUNALUR Annexure -A2 TRUE COPY OF THE PETITION IN OP 81/2024 ON THE FILES OF FAMILY COURT MALAPPURAM

