

Sree Rekha vs Sahish Kumar

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Court : Kerala

Decided On : Mar-20-2025

Judge : Honourable Mr.Justice Basant Balaji

Appeal No. : Tr.P(C)/758/2024

Appellant : Sree Rekha

Respondent : Sahish Kumar

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE BASANT BALAJI
THURSDAY, THE 20TH DAY OF MARCH 2025 / 29TH PHALGUNA,
1946 TR.P(C) NO. 758 OF 2024 TO TRANSFER OP NO.1173 OF 2024
OF FAMILY COURT, ALAPPUZHA PETITIONER/S: SREE REKHA
AGED 45 YEARS D/O SUMATHI, SREE MANDIRAM, S.V.MARKET
P.O., AYANIVELIKULANGARA THEKKUM MURI, KARUNAGAPPALLY,
KOLLAM, PIN - 690573 BY ADV M.R.SASITH RESPONDENT/S:
SAHISH KUMAR AGED 51 YEARS SINDHU VIHAR,
KADAKKARAPPALLI P.O., PATTANAKKADAVU, CHERTHALA,
ALAPPUZHA, PIN - 688629 BY ADVS. B.PRAMOD ATHUL
M.V.(K/1539/2018) AJAY S. KOSHY(K/003202/2022) THIS TRANSFER

PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20.03.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

(Dated this the 20th day of March 2025) The petitioner is the wife of the respondent. She seeks a transfer of O.P.No.1173 of 2024, filed by the respondent, which is pending before the Family Court, Alappuzha to the Family Court, Chavara.

2. The marriage between the parties was solemnized on

22.11.2008, at Karunagappally and two children are born out of the wedlock. Due to the ill treatment on the part of the respondent, she went to her parental home and started residing with her parents. She is not in a position to travel to Alappuzha, which is more than 63 km. from her residence and there is nobody to accompany her. The family Court, Chavara is only 8 kms from her residence and she has to look after her aged parents and her two children. Further, M.C. No.197 of 2022, filed by the petitioner is already pending before the Family Court, Chavara and hence, she seeks a transfer.

3. The respondent vehemently opposed the transfer.

4. The Apex Court in Sumitha Singh v. Kumar Sanjay and

another [(2001)10 SCC 41], Mona Aresh Goel v. Aresh Satya Goel [(2000) 9 SCC 255], Vaishali Shridhar Jagtap v. Shridhar Vishwanath Jagtap [AIR 2016 SC 3584] and Santhini v. Vijaya Venkatesh [2017 (4) KLT 415 (SC)], held that, in matrimonial disputes, the prior consideration is to the convenience of the wife and in such cases the transfer has been effected. Taking note of the fact that M.C.No.197 of 2022 is pending before the Family Court, Chavara, I am inclined to transfer O.P.No.1173

of 2024 pending before the Family Court, Alappuzha also to the Family Court, Chavara. The Family Court, Alappuzha, shall immediately transfer the records to the Family Court, Chavara. On receipt of the records, the Family Court, Chavara shall dispose of the case in accordance with law. The Transfer petition is allowed as above. The parties shall appear before the Family Court, Chavara on 24.4.2025. Sd/- BASANT BALAJI
JUDGE

dI/ APPENDIX OF TR.P(C) 758/2024 PETITIONER ANNEXURES Annexure-A1
THE TRUE COPY OF THE FORM 8 NOTICE IN O.P.NO. ALAPPUZHA.

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