

JISHA Vs Alex Pothan

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Court : Kerala

Decided On : Jan-31-2024

Judge : Honourable Mr.Justice C. Jayachandran

Appeal No. : Tr.P(C)/160/2023

Appellant : JISHA

Respondent : Alex Pothan

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE C. JAYACHANDRAN
WEDNESDAY, THE 31ST DAY OF JANUARY 2024 / 11TH MAGHA,
1945 TR.P(C) NO. 160 OF 2023 AGAINST OP 117/2023 OF FAMILY
COURT,KOZHIKODE PETITIONER/RESPONDENT: JISHA AGED 32
YEARS D/O. K.P GEORGE, KALLIVALAPPIL HOUSE ,IRINJALAKUDA
.P.O ,KOMBARA AMSOM DESOM , IRINJALAKUDA TALUK
,THRISSUR DISTRICT, PIN - 680121 BY ADVS. M.SHAJU
PURUSHOTHAMAN K.S.RAJESH RESPONDENT/PETITIONER:

1 ALEX POTHAN AGED 42 YEARS S/O K.P.POTHAN
,KATTUPARAMBIL HOUSE,ULLOOR RAGHAVAN ROAD,
P.O.MERIKKUNNU, CHEVAYOOR AMSOM DESOM, KOZHIKODE

TALUK , KOZHIKODE DISTRICT, PIN - 673012 2 K.P.GEORGE
(*ADDL.R2 IMPEADED) AGED 77 YEARS, KALLIVALAPPIL HOUSE,
IRINJALAKUDA P.O., KOMBARA AMSOM DESOM, IRINJALAKUDA
TALUK, THRISSUR DISTRICT, PIN-680121

***ADDITIONAL 2ND RESPONDENT IS IMPEADED AS PER
ORDER**

DATED 20/03/2023 IN IA.NO.2/2023 IN TR.P(C)NO.160/2023. BY ADVS.
M.PROMODH KUMAR M.SHAJU PURUSHOTHAMAN MAYA
CHANDRAN(K/2573/1999) THIS TRANSFER PETITION (CIVIL) HAVING COME
UP FOR ADMISSION ON 31.01.2024, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING: ..2..

O R D E R

Dated this the 31st day of January, 2024 Petitioner herein is the respondent/wife in
O.P.No.117/2023 pending before the Family court, Kozhikode. The petitioner
seeks transfer of the said Original Petition to the Family Court, Irinjalakuda,
essentially on the ground of petitioner's convenience, she having her place of
residence within the limits of the transferee court.

2. This application was seriously opposed by the

learned counsel for the respondent. Learned counsel would, however, submit that,
in case the transfer is being allowed, there may be a direction to dispense with the
presence of the respondent, unless and until, the same is quite inevitable. ..3..

3. Having heard the learned counsel appearing on

both sides, this Court is inclined to allow the instant Transfer Petition. This Court
takes stock of the settled legal position that the convenience of wife is a matter to
be taken into consideration, while fixing the forum for adjudication of matrimonial
disputes, as held by the Hon'ble Supreme Court in a catena of cases, including
N.C.V.Aishwarya v. A.S.Saravana Karthik Sha [AIR 2022 SC 4318].

4. In the circumstances, this Transfer Petition

is allowed, directing transfer of O.P.No.117/2023 pending before the Family Court, Kozhikode, to the Family Court, Irinjalakuda. The transferor Court shall transmit the entire records to the transferee Court, forthwith. There will be a further direction to the Judge, Family Court, Irinjalakuda to dispense with the presence of the respondent, ..4.. unless the same is clearly indicated for the progress of the proceedings. The Transfer Petition is allowed as indicated above. Sd/- C. JAYACHANDRAN JUDGE TR ..5.. APPENDIX OF TR.P(C) 160/2023 PETITIONER ANNEXURES Annexure1 THE TRUE COPY OF O.P. 117/2023 FILED BEFORE THE FAMILY COURT, KOZHIKODE DT. 17.01.2023

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