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Arya Krishnan vs Visakh

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SooperKanoon Citation : sooperkanoon.com/1321431

Court : Kerala

Decided On : May-31-2024

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Tr.P(C)/901/2023

Appellant : Arya Krishnan

Respondent : Visakh

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH FRIDAY, THE 31ST DAY OF MAY 2024 / 10TH JYAISHTA, 1946 TR.P(C) NO. 900 OF 2023 AGAINST THE ORDER/JUDGMENT IN OPHMA NO.916 OF 2018 OF FAMILY COURT,KOLLAM PETITIONER/PETITIONER: ARYA KRISHNAN AGED 31 YEARS, D/O.RADHAKRISHNAN, ARAMAM VEEDU, CHATHANNOOR EARAM THEKKU CHERRY, MEENAD VILLAGE, KOLLAM TALUK THROUGH HER POWER OF ATTORNEY HOLDER RADHAKRISHNAN NAIR, S/O.MADHAVAN PILLAI, AGED 61 YEARS, ARAMAM, EARAM SOUTH, CHATHANNOOR P.O, KOLLAM DISTRICT -, PIN - 691572 BY ADVS. K.SIJU ANJANA KANNATH RESPONDENT/RESPONDENT:

VISAKH AGED 32 YEARS, S/O.SREEKUMARAN NAIR, PARADIZE S.R.A-50, SOUPARNIKA GARDENS, NETHAJI ROAD, VATTIYOORKKAVU, THIRUVANANTHAPURAM - 696013 FROM SREEVINAYAM, FORT, COURT ROAD, NEYYATTINKARA TALUK, THIRUVANANTHAPURAM DISTRICT - PIN - 695121 THIS TRANSFER PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31.05.2024, ALONG WITH Tr.P(C).901/2023, ..2..

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH FRIDAY, THE 31ST DAY OF MAY 2024 / 10TH JYAISHTA, 1946 TR.P(C) NO. 901 OF 2023 AGAINST THE ORDER/JUDGMENT IN OP(OTHERS) NO.173 OF 2023 OF FAMILY COURT, KOLLAM PETITIONER/PETITIONER: ARYA KRISHNAN AGED 31 YEARS, D/O.RADHAKRISHNAN, ARAMAM VEEDU, CHATHANNOOR EARAM THEKKU CHERRY, MEENAD VILLAGE, KOLLAM TALUK THROUGH HER POWER OF ATTORNEY HOLDER RADHAKRISHNAN NAIR, S/O.MADHAVAN PILLAI, AGED 61 YEARS, ARAMAM, EARAM SOUTH, CHATHANNOOR P.O, KOLLAM DISTRICT -, PIN - 691572 BY ADVS. K.SIJU ANJANA KANNATH RESPONDENTS/RESPONDENTS:

1 VISAKH AGED 32 YEARS, S/O.SREEKUMARAN NAIR, PARADIZE S.R.A-50, SOUPARNIKA GARDENS, NETHAJI ROAD, VATTIYOORKKAVU, THIRUVANANTHAPURAM - 696013 FROM SREEVINAYAM, FORT, COURT ROAD, NEYYATTINKARA TALUK, THIRUVANANTHAPURAM DISTRICT -, PIN - 695121 2 SREEKALA AGED 58 YEARS, W/O.SREEKUMARAN NAIR, PARADIZE S.R.A-50, SOUPARNIKA GARDENS, NETHAJI ROAD, VATTIYOORKKAVU, THIRUVANANTHAPURAM - 696013 FROM SREEVINAYAM, FORT, COURT ROAD, NEYYATTINKARA TALUK, THIRUVANANTHAPURAM DISTRICT, PIN - 695121

..3.. 3 THANKAM AGED 78 YEARS PARADIZE S.R.A-50, SOUPARNIKA GARDENS, NETHAJI ROAD, VATTIYOORKKAVU, THIRUVANANTHAPURAM - 696013 FROM SREEVINAYAM, FORT, COURT ROAD, NEYYATTINKARA TALUK, THIRUVANANTHAPURAM DISTRICT -, PIN - 695121 THIS TRANSFER PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31.05.2024, ALONG WITH Tr.P(C).900/2023 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: ..4..

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH FRIDAY, THE 31ST DAY OF MAY 2024 / 10TH JYAISHTA, 1946 TR.P(C) NO. 902 OF 2023 AGAINST THE ORDER/JUDGMENT IN OPHMA NO.320 OF 2023 OF FAMILY COURT, KOLLAM PETITIONER/PETITIONER: ARYA KRISHNAN AGED 31 YEARS, D/O.RADHAKRISHNAN, ARAMAM VEEDU, CHATHANNOOR EARAM THEKKU CHERRY, MEENAD VILLAGE, KOLLAM TALUK THROUGH HER POWER OF ATTORNEY HOLDER RADHAKRISHNAN NAIR, S/O.MADHAVAN PILLAI, AGED 61 YEARS, ARAMAM, EARAM SOUTH, CHATHANNOOR P.O, KOLLAM DISTRICT -, PIN - 691572 BY ADVS. K.SIJU ANJANA KANNATH RESPONDENT/RESPONDENT: VISAKH AGED 32 YEARS S/O.SREEKUMARAN NAIR, PARADIZE S.R.A-50, SOUPARNIKA GARDENS, NETHAJI ROAD, VATTIYOORKKAVU, THIRUVANANTHAPURAM - 696013 FROM SREEVINAYAM, FORT, COURT ROAD, NEYYATTINKARA TALUK, THIRUVANANTHAPURAM DISTRICT -, PIN - 695121 THIS TRANSFER PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31.05.2024, ALONG WITH Tr.P(C).900/2023 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: ..5..

ORDER

The petitioner in all these transfer petitions is the wife. The respondent in Tr.P.C.Nos.900 & 902 of 2023 and 1st respondent in Tr.P.C.No.901 of 2023 is the husband.

2. All these transfer petitions have been filed by the wife to transfer three cases pending between the petitioner and the respondent at the Family Court, Kollam as O.P.HMA No. 916/2018, O.P.(Others) No.

3. I have heard the learned counsel for the petitioner. There is no appearance for the respondent in spite of the receipt of notice.

4. At the time of the institution of the above mentioned original

petitions, the Family Court, Paravoor was not constituted. It was constituted subsequently. The petitioner is residing at Meenadu village, which is just 5 kms away from the Family Court, Paravoor. It is settled that while considering the transfer petitions involving family disputes, the convenience of the wife has to be given predominance. Considering all these facts, all these transfer petitions are allowed. O.P.HMA No. 916/2018, O.P.(Others) No. 173/2023 and O.P.HMA ..6.. No.320/2023 pending before the Family Court, Kollam are withdrawn and transferred to the Family Court, Paravoor for trial and disposal. Sd/- DR. KAUSER EDAPPAGATH, JUDGE APA ..7.. APPENDIX OF TR.P(C) 900/2023 PETITIONER ANNEXURES ANNEXURE A1 THE COPY OF OP(HMA)916/2018 DATED 09.07.2018 ANNEXURE A2 THE COPY OF OP(OTHERS)173/2023 DATED 04.02.2019 NOW PENDING BEFORE THE FAMILY COURT, KOLLAM ANNEXURE A3 THE COPY OF ORDER DATED 09.01.2023 IN TR.P(C)NO.678/2022 OF THIS HON'BLE COURT ANNEXURE A4 THE COPY OF PETITION IN OP(HMA) 320/2023 DATED 14.05.2018 FILED BEFORE THE FAMILY COURT, THIRUVANANTHAPURAM ANNEXURE A5 THE COPY OF ORDER DATED 09.01.2023 IN TR.P(C)NO.679/2022 ANNEXURE A6 THE COPY OF IA 1/2023 IN OP(HMA) 916/2018 ON THE FILE OF FAMILY COURT, KOLLAM DATED 18.7.2023 ..8.. APPENDIX OF TR.P(C) 901/2023 PETITIONER ANNEXURES ANNEXURE A1 THE COPY OF ORDER DATED 09.01.2023 IN TR.P(C) NO.678/2022 PASSED BY THIS HON'BLE COURT ANNEXURE A2 THE COPY OF OP (OTHERS)NO.173/2023 ON THE FILE OF FAMILY COURT,

KOLLAM DATED 04.02.2019 ANNEXURE A3 THE COPY OF PETITION IN OP(HMA) NO.916/2018 ON THE FILE OF FAMILY COURT, KOLLAM DATED 9.7.2018 ANNEXURE A4 THE COPY OF OP NO.1134/2018 DATED 14.5.2018 ON THE FILE OF FAMILY COURT, THIRUVANANTHAPURAM ANNEXURE A5 THE COPY OF ORDER IN TR.P(C)NO.679/2022 DATED 09.01.2023 OF THIS HON'BLE COURT ANNEXURE A6 THE COPY OF IA 1/2023 IN OP(HMA) NO.916/2018 ON THE FILE OF FAMILY COURT, KOLLAM DATED 18.7.2023 ..9.. APPENDIX OF TR.P(C) 902/2023 PETITIONER ANNEXURES ANNEXURE A1 THE COPY OF OP(HMA) NO.320/2023 DATED 14.5.2018 FILED BEFORE THE FAMILY COURT, THIRUVANANTHAPURAM ANNEXURE A2 THE COPY OF ORDER DATED 9.1.2023 IN TR.P.

(C) NO.679/2022 OF THIS HON'BLE COURT

ANNEXURE A3 THE COPY OF OP(OTHERS)173/2023 DATED 04.02.2019 NOW PENDING BEFORE THE FAMILY COURT, KOLLAM ANNEXURE A4 THE COPY OF ORDER DATED 09.01.2023 IN TR.P(C)NO.678/2022 OF THIS HON'BLE COURT ANNEXURE A5 THE COPY OF PETITION IN OP(HMA) NO.916/2018 DATED 9.7.2018 ANNEXURE A6 THE COPY OF IA 1/2023 IN OP(HMA) 916/2018 ON THE FILE OF FAMILY COURT, KOLLAM DATED 18.7.2023

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