

Sandeep Kumar vs Nitha

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Court : Kerala

Decided On : Nov-30-2023

Judge : Honourable Mr.Justice C. Jayachandran

Appeal No. : Tr.P(C)/621/2023

Appellant : Sandeep Kumar

Respondent : NITHA

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE C. JAYACHANDRAN
THURSDAY, THE 30TH DAY OF NOVEMBER 2023 / 9TH
AGRAHAYANA, TR.P(C) NO. 621 OF 2023 SEEKING TRANSFER OF
OP 101/2023 FROM FAMILY COURT, ALUVA TO FAMILY COURT,
ERNAKULAM PETITIONER/PETITIONER: SANDEEP KUMAR, AGED
38 YEARS S/O RAMAKANTHA PRABHU, EDAKKATTIL HOUSE,
AAZAD ROAD, ALUVA., PIN - 683101 BY ADVS. R.LEELA
M.SREELAKSHMI SHINI MARY SANU ARJUN GOPAL P.
RESPONDENT/RESPONDENT: NITHA,AGED 32 YEARS D/O R.
NAVEEN CHANDRA PRABHU, VEMBRAKKATT HOUSE, NELSON
MANDELA ROAD, PALLURUTHY, PIN - 682006 THIS TRANSFER

PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30.11.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.JAYACHANDRAN, J.

===== Tr.P.(C) No. 621 of 2023
===== Dated this the 30th day of November,
2023

ORDER

The petitioner/husband seeks transfer of O.P No.101 of 2023 pending before the Family Court, Aluva to the Family Court, Ernakulam.

2. Heard the learned counsel for the petitioner. Though the respondent was served, there is no representation for her before this Court.

3. Learned counsel for the respondent points out

that the O.P was initially filed before the Family Court, Ernakulam as O.P No.1617 of 2021, which was subsequently transferred to the Family Court, Aluva pursuant to the establishment of the said court and also for the reason that the cause of action arose within the jurisdictional limits of the Family Court, Aluva.

4. It was also pointed out that both the

parties reside in Ernakulam and it would be Tr.P(C) No.621 of 2023 :- 2 :- convenient for them to conduct the case, if the same is considered and tried at the Family Court,

5. Having regard to the facts and circumstances

and also for the reason that this transfer petition is not opposed, this Court is inclined to allow the transfer sought for. This Court specifically takes note the fact that both the parties are residing within the jurisdictional limits of Family Court, Accordingly, this Transfer Petition is allowed and O.P No.101 of 2023 is directed to

be transferred to the Family Court, Ernakulam. The transferor court shall transmit the entire records to the transferee court forthwith. Sd/- C.JAYACHANDRAN, JUDGE vdv Tr.P(C) No.621 of 2023 -: 3 :- APPENDIX OF TR.P(C) 621/2023 PETITIONER ANNEXURES Annexure A1 THE TRUE COPY OF THE O.P. NO.101 OF 2023 (OLD NUMBER O.P.NO.1617/2021) Annexure A2 THE TRUE COPY OF THE O.P. NO.86 OF 2023 (OLD NUMBER O.P.NO.1306/2017) Annexure A3 THE TRUE COPY OF THE M.C.NO.13 OF 2023 (OLD NUMBER M.C.282/2017) ALONG WITH NOTICE ISSUED BY THE FAMILY COURT, ALUVA Annexure A4 THE TRUE COPY OF THE O.P. NO. 478 OF 2021 PENDING BEFORE THE FAMILY COURT, ERNAKULAM

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