

Hema Babu vs Pradeesh Kumar

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Court : Kerala

Decided On : Mar-03-2022

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Tr.P(Crl.)/4/2022

Appellant : Hema Babu

Respondent : Pradeesh Kumar

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
THURSDAY, THE 3RD DAY OF MARCH 2022 / 12TH PHALGUNA,
1943 TR.P(CRL.) NO. 4 OF 2022 AGAINST THE ORDER/JUDGMENT
IN MC 77/2018 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-XI,
THIRUVANANTHAPURAM. PETITIONER/PETITIONER: HEMA BABU,
AGED 32 YEARS D/O.M.S.BABU, KOTTANGANZHATH, JAWAHAR
NAGAR, ANGAMALY VILLAGE, ALUVA TALUK, ERNAKULAM
DISTRICT - 683 572. K.NIRMALAN AMALJITH C. ANU JESNA M.H.
RESPONDENTS/RESPONDENT:

PRADEESH KUMAR, AGED 38 YEARS S/O.KRISHNANKUTTY,
HOUSE NO.318, AKG NAGAR, PEROORKADA VILLAGE,

THIRUVANANTHAPURAM, NOW RESIDING AT FLAT NO.B2 PRS GRACE, NEW PANDITS COLONY, KOWDIAR VILLAGE, KOWDIAR P.O., THIRUVANANTHAPURAM DISTRICT, PIN - 695 003. FRANCIS PETER THARAKAN(P-103) THIS TRANSFER PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION ON 03.03.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: ..2..

ORDER

This Transfer Petition(Crl.) is filed to transfer M.C. No.77/2018 pending before the Judicial First Class Magistrate Court-XI, Thiruvananthapuram to Judicial First Class Magistrate Court, Angamali.

2. The petitioner is the wife. The respondent is the

husband. The petitioner filed M.C. against the respondent as well as his parents at the Family Court, Thiruvananthapuram, claiming various reliefs under Section 12 of the Domestic Violence Act.

3. At the time of filing the petition, the petitioner was

residing at Thiruvananthapuram. According to the petitioner, now she is residing at her parental house at Angamali. It is in these circumstances, she seeks to transfer the case citing her convenience.

4. Admittedly the matrimonial home is situated at

Thiruvananthapuram. The parents of the respondent herein are the respondents 2 and 3 in M.C. No.77/2018. They are ..3.. now aged 78 and 72 years respectively. If the M.C is transferred to Angamali, they will have to travel all along from Thiruvananthapuram to Angamali. The petitioner is aged 32 years. In these circumstances, I am of the view that the transfer sought for cannot be allowed.

5. The learned counsel for the petitioner submitted

that a direction may be given to the learned Magistrate to dispense with the personal attendance of the petitioner. In the result, the Transfer Petition is

dismissed. However, personal attendance of the petitioner at the Judicial First Class Magistrate Court-XI, Thiruvananthapuram is dispensed with. The petitioner shall appear at the court as and when directed by the Magistrate. Sd/- DR.KAUSER EDAPPAGATH, JUDGE ded/03.03.2022 ..4.. APPENDIX OF TR.P(CRL.) 4/2022 PETITIONER ANNEXURES Annexure I TRUE PHOTOCOPY OF THE M.C.NO.77/2018 DATED 3/12/2018 ON THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT- XI, THIRUVANANTHAPURAM. Annexure II TRUE PHOTOCOPY OF THE O.P.NO.677/2019 DATED 18/3/2019 ON THE FILE OF FAMILY COURT, THIRUVANANTHAPURAM. Annexure III TRUE PHOTOCOPY OF THE O.P.NO.1862/2019 DATED NIL ON THE FILE OF FAMILY COURT, THIRUVANANTHAPURAM. RESPONDENT'S/S EXHIBITS : NIL. //TRUE COPY// P.A. TO JUDGE

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