

Aravind.M., vs Roopa Satheesh,

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SooperKanoon Citation : sooperkanoon.com/1441422

Court : Kerala

Decided On : Feb-10-2022

Judge : Honourable Mr. Justice a. Badharudeen

Appeal No. : Tr.P(C)/18/2022

Appellant : Aravind.M.,

Respondent : Roopa Satheesh,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A. BADHARUDEEN
THURSDAY, THE 10TH DAY OF FEBRUARY 2022 / 21ST MAGHA,
TR.P(C) NO. 18 OF 2022 OP 515/2021 OF FAMILY COURT,
THALASSERY PETITIONER: ARAVIND.M., AGED 27 YEARS
S/O.MADHUSOODHANAN NAIR, ROHINI, ASAN NAGAR P.O.,
VALLAKADAVU, THIRUVANANTHAPURAM-695 005. BY ADVS.
G.UNNIKRISHNAN BOBBY U. NAIR RESPONDENT: ROOPA
SATHEESH, AGED 28 YEARS D/O.SATHEESH KUMAR, NOW
RESIDING AT ROOPASREE, PUNNOL P.O., THALASSERY-670 102.
THIS TRANSFER PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 10.02.2022, THE COURT ON THE SAME DAY

DELIVERED THE FOLLOWING: Tr.P(C).No.18 of 2022 2

A. BADHARUDEEN, J.

===== Tr.P(C).No.18 of 2022
===== Dated this the 10th day of
February, 2022

JUDGMENT

This is an application filed by the petitioner herein to transfer O.P.515/21 pending before the Family Court, Tellicherry to Family Court, Thiruvananthapuram.

2. Though notice was served to the respondent, she did not appear.

3. Heard the learned counsel for the petitioner.

4. The learned counsel for the petitioner submitted that

the petitioner has been suffering from carcinoma and he has been taking treatment from R.C.C., Thiruvananthapuram. Annexures VIII and IX dated 08.05.2020 and 12.08.2021 have been produced to substantiate the said treatment. It could be gathered that the petitioner has been suffering from Tr.P(C).No.18 of 2022 3 HODGKINS LYMPHOMA and has been on treatment. The other side not even cared to appear in this matter. May be, because of this ailment.

5. Though in principle, the transfer of a matrimonial case

pending within the jurisdiction of the wife cannot be allowed, the reason stated in the affidavit supported by Annexures VIII and IX showing treatment of the petitioner for cancer persuade me to allow this Transfer Petition, particularly, in view of the reluctance shown by the wife to appear before this Court and oppose the transfer.

6. In the result, this Transfer Petition is allowed. O.P.

No.515 of 2021 pending before the Family Court, Tellicherry shall stand transferred to the Family Court, Thiruvananthapuram. Family Court, Tellicherry is directed to forward the case records to the Family Court, Thiruvananthapuram forthwith. Parties shall appear before the Family Court, Thiruvananthapuram on 07.03.2022. Tr.P(C).No.18 of 2022 4 Registry shall forward a copy of this order to the Family Court, Tellicherry and Family Court, Thiruvananthapuram, within 7 days for information and compliance. Sd/- (A. BADHARUDEEN, JUDGE) rtr/ Tr.P(C).No.18 of 2022 5 APPENDIX OF TR.P(C) 18/2022 PETITIONER's ANNEXURES Annexure I TRUE COPY OF OP 1427/2020 ON THE FILE OF THE FAMILY COURT, Annexure II TRUE COPY OF OP 2252 OF 2020 ON THE FILE OF FAMILY COURT, Annexure III TRUE COPY OF THE RECEIPT DATED 17.02.20 ISSUED BY THE RESPONDENT. Annexure IV TRUE COPY OF JUDGMENT DATED 12.07.21 IN OP 2252 OF 2020 OF THE FAMILY COURT, THIRUVANANTHAPURAM. Annexure V TRUE COPY OF OP 515 OF 2021 ON THE FILE OF THE FAMILY COURT, TELLICHERRY. Annexure VI TRUE COPY OF COUNTER AFFIDAVIT FILED IN TR(PC) NO.437 OF 2021 BEFORE THIS HON'BLE COURT. Annexure VII TRUE COPY OF THE ORDER DATED 16.12.2021 IN TRPC 437 OF 2021. Annexure VIII TRUE COPY OF THE TREATMENT CERTIFICATE DATED 08.05.2020 ISSUED BY THE REGIONAL CANCER CENTRE, Annexure IX TRUE COPY OF THE CERTIFICATE DATED 12.08.21 ISSUED BY THE REGIONAL CANCER CENTRE, THIRUVANANTHAPURAM.