

P.C. Smitha vs Bharathan

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Court : Kerala

Decided On : Jul-07-2022

Judge : Honourable Mr. Justice a. Badharudeen

Appeal No. : Tr.P(C)/48/2022

Appellant : P.C. Smitha

Respondent : Bharathan

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A. BADHARUDEEN
THURSDAY, THE 7TH DAY OF JULY 2022 / 16TH ASHADHA, 1944
TR.P(C) NO. 48 OF 2022 AGAINST THE ORDER/JUDGMENT IN OP
666/2020 OF FAMILY COURT, IRINJALAKUDA
PETITIONER/PETITIONER: P.C. SMITHA, AGED 48 YEARS, D/O.
CHANDRAN, PERUMPARAMBIL HOUSE, CHEVVUR P.O., CHEVVUR
VILLAGE, THRISSUR TALUK, THRISSUR DISTRICT, PIN-680027. BY
ADVS. C.A.CHACKO BABU V.P. ALEKH THOMAS C.M.CHARISMA
RESPONDENTS/RESPONDENTS:

1 BHARATHAN, AGED 54 YEARS S/O.VELAYUDHAN, PERUMPARAMBIL HOUSE, CHEVVUR P.O., CHEVVUR VILLAGE, THRISSUR TALUK, THRISSUR DISTRICT, PIN-680027, NOW RESIDING AT C/O.MOHANAN, PERUMPARAMBIL HOUSE, KUNDARA P.O., KUNDARA VILLAGE, CHITTUMALA TALUK, KOLLAM-691501. 2 SHYLA SASI, W/O. PADINJAREPURAKKAL SASI, CHERPU P.O., CHERPU VILLAGE, PADINJARE MURI, THRISSUR TALUK, THRISSUR DISTRICT, PIN-680561. 3 SUHRABI, W/O.NASEER, VELLANGALLUR P.O., VELLANGALLUR VILLAGE, MUKUNDAPURAM TALUK, THRISSUR-680662. BY ADV RONY AUGUSTINE

THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01.07.2022, THE COURT ON 07.07.2022 DELIVERED THE FOLLOWING: Tr.P(C).No.48 of 2022 2

A. BADHARUDEEN, J.

===== Tr.P(C).No.48 of 2022
===== Dated this the 7th day of July,
2022

ORDER

This is a petition filed under Section 24 of the Code of Civil Procedure by the petitioner, who is the wife of the 1st respondent to transfer O.P.No.666/2020 pending before the Family Court, Irinjalakuda to Family Court, Ernakulam.

2. On notice, the 1st respondent appeared and the 1st respondent filed written objection opposing the transfer. Others not appeared.

3. Heard both sides in detail.

4. The petitioner seeks transfer on the ground that she has been practicing as an Advocate at various courts at Thrissur district, especially in family courts. Therefore, she has difficulties in attending her own personal case before the Family Court, Tr.P(C).No.48 of 2022 3 Irinjalakuda. Accordingly, transfer of

O.P.No.666/2020 is prayed for from Family Court, Irinjalakuda to Family Court, Ernakulam.

5. The learned counsel for the 1st respondent reiterated the contentions raised in the written objection while opposing transfer.

6. According to the 1st respondent, the status of the

petitioner as an Advocate is admitted. However, no materials placed to show that she has active practice before the Family Court, Irinjalakuda. According to the 1st respondent, the petition is to harass the 1st respondent and transfer of the matter from Family Court, Irinjalakuda to Family Court, Ernakulam would cause inconvenience to the 1st respondent.

7. To be on the facts of this case: Admittedly, the

petitioner is a practicing lawyer attached to various courts at Thrissur, including Family Courts. The 1st respondent is a native of Kollam district. While opposing transfer, it is conceded by the learned counsel for the 1st respondent that if the petitioner wants to transfer the petition to a place different from Thrissur, it can be a convenient place for both sides and he pressed for transfer of the

Tr.P(C).No.48 of 2022 4 O.P to Family Court, Kollam.

8. However, the learned counsel for the petitioner would

submit that distance between Thrissur and Kollam is more and, therefore, transfer may be ordered to a place convenient for both parties. Finally both parties conceded that the matter could be transferred to Family Court, Alappuzha.

9. Accordingly, this Transfer Petition is allowed. O.P.No.666/2020 pending before the Family Court, Irinjalakuda

shall stand transferred to the Family Court, Alappuzha. Family Court, Irinjalakuda, is directed to forward the case records to the Family Court, Alappuzha, forthwith. Parties shall appear before the Family Court, Alappuzha on 29.07.2022.

Registry shall forward a copy of this order to the Family Court, Irinjalakuda and Family Court, Alappuzha, within 7 days for information and compliance. Sd/- (A. BADHARUDEEN, JUDGE) rtr/ Tr.P(C).No.48 of 2022 5 APPENDIX OF TR.P(C) 48/2022 PETITIONER'S ANNEXURES ANNEXURE A1 TRUE COPY OF OP.NO.666/2020 FILED BY PETITIONER BEFORE FAMILY COURT, IRINJALAKKUDA. RESPONDENTS' EXHIBITS

ANNEXURE-R1(a) : TRUE COPY OF THE CASE SUMMARY AND DISCHARGE RECORD ISSUED FROM THE DEPARTMENT OF CARDIOLOGY, SREE CHITRA TIRUNAL INSTITUTE FOR MEDICAL SCIENCES AND TECHNOLOGY, TRIVANDRUM.

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