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Monisha Mohan vs Raja Krishnan

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Court : Kerala

Decided On : May-31-2022

Judge : Honourable Mr.Justice Basant Balaji

Appeal No. : Tr.P(C)/227/2021

Appellant : Monisha Mohan

Respondent : Raja Krishnan

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE BASANT BALAJI TUESDAY, THE 31ST DAY OF MAY 2022 / 10TH JYAISHTA, 1944 TR.P(C) NO. 227 OF 2021 AGAINST THE ORDER/JUDGMENT IN OPHMA 1954/2020 OF FAMILY COURT,TRIVANDRUM

PETITIONER/S: MONISHA MOHAN D/O. SHEELA MOHAN, REVATHI, KIZHAVOOR, MUGHATHALA P.O, KOLLAM-691 577 BY ADV K.S.MANU (PUNUKKONNOOR) RESPONDENT/S: RAJA KRISHNAN S/O. RAJENDRAN, KAMALABHAVAN, ATHAZHAMANGALAM, NEYYATTINKARA P.O, THIRUVANANTHAPURAM 695 121. BY ADVS. V.G.ARUN (K/795/2004) V.JAYA RAGI NEERAJ NARAYAN R.HARIKRISHNAN (KAMBISSERIL) THIS TRANSFER PETITION

(CIVIL) HAVING COME UP FOR ADMISSION ON 31.05.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -2-

ORDER

This transfer petition is filed by the wife, seeking transfer of O.P (HMA) No.1954 of 2020 pending before the Family Court, Thiruvananthapuram to the Family Court, Kollam.

2. The marriage between the petitioner and the respondent was solemnized on 07.07.2014. A child was born in their wedlock in

2015. The respondent filed O.P.(HMA) No.1954 of 2020 before the Family Court, Thiruvananthapuram seeking a divorce. The petitioner has filed MC No. 421/2019 before the Family Court, Kollam.

3. The reasons stated for transfer is that she has to undertake

3 hour journey to reach the Family Court, Thiruvananthapuram. She cannot take the child along with her, since the child is school- going one. The Respondent/husband is working abroad.

4. The counsel for the respondent vehemently objected to

transferring the petition, stating that the distance between Thiruvananthapuram and Kollam is only 70 km and this transfer petition is filed only to harass him. -3-

5. On going through the averments in the Transfer Petition

and the grounds raised, I am of the opinion that the Transfer Petition can be allowed. Moreover, as held by the Hon'ble Supreme Court in Sumita Singh v. Kumar Sanjay and another [(2001) 10 SCC 41], Rajani Kishor Pardeshi v. Kishor Babulal Pardeshi

[2005] 12 SCC 237] and a plethora of other decisions, in transfer petitions arising from matrimonial cases, convenience of the wife should be preferred over that of the husband. In the result, the Transfer Petition is allowed. O.P (HMA)

No.1954/2020 pending before the Family Court, Thiruvananthapuram is withdrawn and transferred to Family Court, Kollam. The Family Court, Thiruvananthapuram shall immediately transfer the records to the Family Court, Kollam. The parties are directed to appear before the Family Court, Kollam on 20.06.2022. Sd/- BASANT BALAJI JUDGE JS -4- APPENDIX OF TR.P(C) 227/2021 PETITIONER ANNEXURES ANNEXURE A1 TRUE COPY MC NO. 421/19 FILED BY THE PETITIONER DT. 13.12.2019. ANNEXURE A2 TRUE COPY OF THE O.P.(HMA) 1954/2020 FILED BY THE RESPONDENT 12.11.20.

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