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Krishnankutty vs Sunitha

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Court : Kerala

Decided On : Apr-07-2021

Judge : Honourable Mr.Justice T.V.Anilkumar

Appeal No. : Tr.P(C)/421/2019

Appellant : Krishnankutty

Respondent : Sunitha

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE T.V.ANILKUMAR WEDNESDAY, THE 07TH DAY OF APRIL 2021 / 17TH CHAITHRA, 1943 TO TRANSFER OP 288/2017 OF FAMILY COURT, MALAPPURAM TO FAMILY COURT, KALPETTA PETITIONER/S: KRISHNANKUTTY, AGED 48 YEARS S/O. KRISHNAN, CHENAMKOLLI (H), MUTTIL P.O., WAYANAD DISTRICT. BY ADV. SRI.C.A.ANOOP RESPONDENT/S: SUNITHA, AGED 30 YEARS, D/O. GOPALAN (LATE), THRITHIPURAM (H) KOORAD P.O., NILAMBUR TALUK, MALAPPURAM DISTRICT 676 339. THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07.04.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

The petitioner in this transfer petition is the husband, who is the respondent in O.P.No.288/2017 pending on the file of Family Court, Malappuram. The original petition was filed by respondent/wife for dissolution of marriage. The petitioner's request in this petition is for transfer of proceedings from Family Court, Malappuram to Family Court, Kalpetta.

2. The learned counsel for the petitioner submits that

the petitioner is a blind person with 100% disability and therefore he cannot travel without the help of others. It is also submitted that he has no earning capacity too.

3. I heard the learned counsel appearing for the petitioner. The respondent in spite of having been served did not file any counter opposing this petition.

4. Considering the submission that the petitioner is a

blind person with 100% disability and cannot travel without the help of others, I am of the opinion that request made by the petitioner for transfer is lawful and reasonable.

In the result, this transfer petition (Civil) is allowed. O.P.No.288/2017 pending on the files of the Family Court, Malappuram is withdrawn and made over to the Family Court, Kalpetta. The Family Court, Malappuram is hereby directed to forward all records immediately to the Family Court, Kalpetta and on receipt of the same, the Family Court, Kalpetta shall fix an early date for appearance of parties and issue notice.

Sd/- T.V.ANILKUMAR, JUDGE AMV/07/04/2021

APPENDIX PETITIONER'S/S EXHIBITS: ANNEXURE 1 THE TRUE COPY OF THE O.P. 288/2017 DATED 10/5/2017. ANNEXURE 2 A

TRUE COPY OF THE IDENTITY CARD ISSUED BY DISTRICT TRANSPORT OFFICE. ANNEXURE 3 THE COUNTER FILED BY THE PETITIONER TO THE ORIGINAL PETITION DATED 11.01.2018 ANNEXURE 4 A TRUE COPY OF THE I.A. 56/2018 IN O.P. NO. 288.2017 ANNEXURE 5 A TRUE COPY OF THE ORDER IN I.A. RESPONDENTS EXHIBITS : NILAMBUR

TRUE COPY P.A.TO JUDGE

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