

Sunilkumar, vs Suma L.,

Sunilkumar, vs Suma L.,

SooperKanoon Citation : sooperkanoon.com/1920470

Court : Kerala

Decided On : Jun-21-2019

Judge : Honourable Mr. Justice Sunil Thomas

Appeal No. : Tr.P(C)/283/2019

Appellant : Sunilkumar,

Respondent : SUMA L.,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE SUNIL THOMAS
FRIDAY, THE 21ST DAY OF JUNE 2019 / 31ST JYAISHTA, 1941
Tr.P(C).No.220 of 2019 AGAINST THE ORDER/JUDGMENT IN OP
307/2019 of FAMILY COURT, NEDUMANGAD PETITIONER: SUMA.L
AGED 36 YEARS D/O.LATHADEVI.P.O,RESIDING AT 'DIVYA',TC BY
ADVS. SRI.SHAMMI VIJAYAN SRI.AYYAPPAN SANKAR
RESPONDENT: SUNIL KUMAR, S/O SUKUMARAN PILLA,RESIDING
AT,SIVA NIVAS, EDAMAN GARDEN,ARUVIKKARA.P.O,ARUVIKKARA
VILLAGE, NEDUMANGADU TALUK,THIRUVANANTHAPURAM
DISTRICT, PIN-695564. BY ADV. SRI.G.SUDHEER THIS TRANSFER
PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON

18.06.2019, ALONG WITH Tr.P(C).282/2019, Tr.P(C).283/2019, THE COURT ON 21/6/2019 PASSED THE FOLLOWING: Tr.P.(C) No. 220/2019 & others 2

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE SUNIL THOMAS FRIDAY, THE 21ST DAY OF JUNE 2019 / 31ST JYAISHTA, 1941 Tr.P(C).No.282 of 2019 AGAINST THE ORDER/JUDGMENT IN OP 1740/2014 of FAMILY COURT,TRIVANDRUM PETITIONER/RESPONDENT: SUNILKUMAR, AGED 47 YEARS S/O.SUKUMARA PILLAI, SIVA NIVAS, EDAMON GARDEN, ARUVIKKARA P.O., ARUVIKKARA VILLAGE, NEDUMANGADU TALUK. BY ADVS. SRI.G.SUDHEER SRI.R.HARIKRISHNAN (H-308) RESPONDENT/PETITIONER: SUMA L., AGED 36 YEARS D/O.LETHA DEVI.O., DIVYA, TC 27/1901, VANCHIYOOR, THIRUVANANTHAPURAM, WORKING AT VSSC, VALIYAMALA, NEDUMANGADU - 695547. THIS TRANSFER PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18.06.2019,ALONG WITH Tr.P(C) NO.283/2019 AND CONNECTED CASE THE COURT ON 21/6/2019 PASSED THE FOLLOWING: Tr.P.(C) No. 220/2019 & others 3

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE SUNIL THOMAS FRIDAY, THE 21ST DAY OF JUNE 2019 / 32ST JYAISHTA, 1941 Tr.P(C).No.283 of 2019 AGAINST THE ORDER/JUDGMENT IN OP 2220/2016 of FAMILY COURT,TRIVANDRUM PETITIONER/RESPONDENT: SUNILKUMAR, AGED 47 YEARS S/O.SUKUMARA PILLAI, SIVA NIVAS, EDAMON GARDEN, ARUVIKKARA P.O., ARUVIKKARA VILLAGE, NEDUMANGAD TALUK. BY ADVS. SRI.G.SUDHEER SRI.R.HARIKRISHNAN (H-308) RESPONDENT/PETITIONER : SUMA L., AGED 36 YEARS D/O.LETHA DEVI O., DIVYA, T.C.27/1901, VANCHIYOOR, THIRUVANANTHAPURAM, WORKING AT VSSC, VALIYAMALA, NEDUMANGADU - 695 547. THIS TRANSFER PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18.06.2019, ALONG WITH Tr.P.(C) No. 282/2019 AND CONNECTED CASE THE COURT ON 21/6/2019

ORDER

[Tr.P(C) 220/2019 ,Tr.P(C).282/2019 & Tr.P(C).283/2019] All these three applications are filed by the parties to three different matrimonial proceedings pending before the Family Court, Thiruvananthapuram and the Family Court, Nedumangadu. The husband had married the wife on 7/2/2004. Two female children were born in the matrimonial relationship. They are aged 13 and 10 years respectively. In the meanwhile, O.P.No.1740/2014 was filed by the wife seeking divorce. That original petition is pending before the Family Court, Thiruvananthapuram. O.P.No.2220/2016 was filed by the wife for return of gold ornament and O.P.No.2232/2016 was also filed by her seeking other reliefs. In the meanwhile, the husband filed O.P.No. 307/2019 pending before the Family Court,

2. Tr.P.(C) No.220/2019 is filed by the wife seeking transfer of

O.P.No.307/2019 pending before the Family Court, Nedumangadu to the Family Court, Thiruvananthapuram. Tr.P.(C) Nos.283/2019 and 282/2019 are filed by the husband seeking transfer of O.P.No.2220/2016 and O.P.No.1740/2014 pending before the Family Court, Thiruvananthapuram to the to the Family Court, Tr.P.(C) No. 220/2019 & others 5

3. The contention of the wife is that, she is living at

Thiruvananthapuram with the younger child. She finds it extremely difficult to attend the Family Court, Nedumangad which is far away from the place of her residence. It was further contended that, three other matters are pending before the Family Court, Thiruvananthapuram. Hence, she sought for transfer of O.P.No. Court, Thiruvananthapuram.

4. On the other hand, the husband contended that the wife is

working at Valiyamala. She attends job regularly. The Family court, Nedumangadu is very near to her place of employment. Since O.P.No.307/2019 is pending before the Family Court, Nedumangadu, husband sought transfer of other matters

pending before the Family Court, Thiruvananthapuram to the Family Court,

5. Heard both sides and examined the records.

6. According to the wife, though she is working at VSCC,

Valiyamala, it is not a permanent job. She further contended that three other matters are pending before the Family Court, Thiruvananthapuram as O.P.No.1740/2014, 2220/2016 and O.P.(C) No.2232/2016. According to her, transfer is sought of only one matter. Tr.P.(C) No. 220/2019 & others 6

7. Having considered the fact that, admittedly other matters

are pending before the Family Court Thiruvananthapuram, and that the place of residence of the wife is claimed to be near that court, I feel that it will be in the interest of justice, if all the matters are heard by the Family Court, Thiruvananthapuram.

8. Consequently, Transfer Petition Nos. 282/2019 and before the Family Court, Nedumangadu is liable to be transferred to the Family Court, Thiruvananthapuram.

9. Accordingly, Tr.P.(C) No.220/2019 is allowed as follows:

(i). O.P.No.307/2019 now pending before the Family Court, Nedumangadu is liable to be transferred to the Family Court, ii). The Family Court, Nedumangadu shall transmit the entire files to the Family Court, Thiruvananthapuram. lii). Both sides shall appear before the Family Court, Thiruvananthapuram on 29/7/2019. Tr.P.(C) No. 282/2019 and TR.P.(C) No. 283/2019 stand dismissed. Sd/- SUNIL THOMAS dpk JUDGE Tr.P.(C) No. 220/2019 & others 7 APPENDIX OF Tr.P(C) 220/2019 PETITIONER'S/S EXHIBITS:

ANNEXURE A1 TRUE COPY OF THE O.P.NO. 307/2019 PENDING BEFORE THE FAMILY COURT NEDUMANGAD, DATED 26.02.2019. ANNEXURE A2 TRUE COPY OF THE O.P.NO. 1740/2014 PENDING BEFORE THE FAMILY COURT THIRUVANANTHAPURAM DATED NIL. ANNEXURE A3 TRUE COPY OF THE O.P.NO. 2220/2016 PENDING BEFORE FAMILY COURT, THIRUVANANTHAPURAM DATED 16.11.2016. ANNEXURE A4 TRUE COPY OF

THE WRITTEN STATEMENT IN O.P.NO. 1740/2017 BEFORE FAMILY COURT, THIRUVANANTHAPURAM NIL. ANNEXURE A5 TRUE COPY OF THE WRITTEN STATEMENT IN O.P.NO. 2220/2016 BEFORE THE FAMILY COURT, THIRUVANANTHAPURAM DATED 11.03.2019. ANNEXURE A6 TRUE COPY OF THE O.P. NO. 2232/2016 BEFORE THE FAMILY COURT, THIRUVANANTHAPURAM DATED 16.11.2016.

APPENDIX OF Tr.P(C) 282/2019 Tr.P.(C) No. 220/2019 & others 8 PETITIONER'S/S EXHIBITS: ANNEXURE A1 TRUE COPY OF THE ORIGINAL PETITION O.P.NO.1740/2014 BEFORE THE FAMILY COURT, ANNEXURE A2 TRUE COPY OF O.P.NO.2220/2016 FILED BY THE RESPONDENT BEFORE THE FAMILY COURT, ANNEXURE A3 TRUE COPY OF ORDER IN I.A.NO.3820/2016 IN O.P.(G & W)NO.2232/2016 PASSED BY THE FAMILY COURT, THIRUVANANTHAPURAM. ANNEXURE A4 TRUE COPY OF O.P.NO.307/2019 FILED BY THE PETITIONER BEFORE THE FAMILY COURT,

ANNEXURE A5 TRUE COPY OF THE NOTICE AND LIST OF CASES

PUBLISHED IN NOTICE BOARD OF FAMILY COURT, THIRUVANANTHAPURAM VOLUNTARILY TRANSFERRED 60 CASES FROM FAMILY COURT, THIRUVANANTHAPURAM TO FAMILY COURT,

ANNEXURE A6 TRUE COPY OF THE NOTICE AND LIST OF CASES

PUBLISHED IN NOTICE BOARD OF FAMILY COURT, THIRUVANANTHAPURAM AND 30 CASES TO FAMILY COURT, ATTINGAL.

APPENDIX OF Tr.P(C) 283/2019 PETITIONER'S/S EXHIBITS: ANNEXURE A1 TRUE COPY OF THE ORIGINAL PETITION O.P.NO.1740/2014 BEFORE THE FAMILY COURT, ANNEXURE A2 TRUE COPY OF O.P.NO.2220/2016 FILED BY THE RESPONDENT BEFORE THE FAMILY COURT, ANNEXURE A3 TRUE COPY OF ORDER IN I.A.NO.3820/2016 IN O.P.(G & W) NO.2232/2016 PASSED BY THE FAMILY COURT, THIRUVANANTHAPURAM. ANNEXURE A4 TRUE

COPY OF O.P.NO.307/2019 FILED BY THE PETITIONER BEFORE THE FAMILY COURT, Tr.P.(C) No. 220/2019 & others 9

ANNEXURE A5 TRUE COPY OF THE NOTICE AND LIST OF CASES

PUBLISHED IN NOTICE BOARD OF FAMILY COURT, THIRUVANANTHAPURAM VOLUNTARILY TRANSFERRED 60 CASES FROM FAMILY COURT, THIRUVANANTHAPURAM TO FAMILY COURT,

ANNEXURE A6 TRUE COPY OF THE NOTICE AND LIST OF CASES

PUBLISHED IN NOTICE BOARD OF FAMILY COURT, THIRUVANANTHAPURAM AND 30 CASES TO FAMILY COURT, ATTINGAL.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com