

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.S.SATHEESACHANDRAN

MONDAY, THE 30TH NOVEMBER 2009 / 9TH AGRAHAYANA 1931

Tr.P(C).No. 244 of 2009

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OP.1313/2007 of FAMILY COURT,ERNAKULAM  
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PETITIONER/RESPONDENT:

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MEENA K.AGED 44 YEARS,  
D/O.M.K.VASUDEVAN NAIR, AMBADY, PANAYAM PO,  
PERINADU, KOLLAM, NOW RESIDING AT DEVIKRIPA,  
PANAYAM PO, PERINADU, KOLLAM,

BY ADV. DR.SEBASTIAN CHAMPAPPILLY  
MS.ANNIE GEORGE

RESPONDENT/PETITIONER:

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M.R.SOMANATHAN, AGED 50 YEARS,  
S/O.LATE M.RAGHAVAN NAIR,  
MUTTUVANCHERRY HOUSE, POYYAKKUNNAM KARA,  
KIZHAKKAMBALAM VILLAGE, KUNNATHUNADU TALUK

ADV. MR.V.RAJENDRAN (PERUMBAVOOR) FOR R1

THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD  
ON 30/11/2009, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:

Tr.P(C).No. 244 of 2009

ORDER ON I.A.NO.2521/2009 IN TR.P.CNO.244/2009

DISMISSED.

30.11.2009

SD/- S.S.SATHEESACHANDRAN, JUDGE.

// TRUE COPY //

P.A TO JUDGE.

**S.S.SATHEESACHANDRAN, J.**

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**Tr.P.C.No.244 of 2009**  
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**Dated this the 30<sup>th</sup> day of November, 2009**

**O R D E R**

Petition for transfer is filed under Section 24 of the CPC. Petitioner is the wife and respondent, the husband. Matrimonial disputes between them have given rise to several proceedings at different family courts. Wife has filed two petitions, both before the Family Court, Kollam. One such petition has been filed for claiming maintenance for children from the father/husband and other petition for recovery of money, valuables etc. Husband has filed another petition for restitution of conjugal rights before the Family Court, Ernakulam. Wife seeks transfer of that petition numbered as O.P.No.1313 of 2007 to the Family Court, Kollam, where her two petitions are pending.

2. Notice being given, respondent/husband has entered appearance. The petition is opposed. I heard the counsel on both sides.

3. It is submitted that the husband is now employed at Thiruvananthapuram and no prejudice will be caused to him by transfer of the petitions to the Family Court, Kollam. It is further

submitted that it would be convenient for both parties to have the trial of all the petitions in one Family Court. Normally in the transfer of matrimonial proceedings the hardship and injury likely to be suffered by the wife, in the absence of special circumstance, is given more consideration. Having regard to the fact that the husband is now employed at Thiruvananthapuram and the wife at Kollam, and the two petitions preferred by the wife are pending before the Family Court, Kollam, I find the transfer of the petition O.P.No.1313 of 2007 filed by the husband at Family Court, Ernakulam to the Family Court, Kollam is essential to advance the ends of justice and it is ordered accordingly. The Judge, Family Court, Ernakulam shall transmit the records of O.P.No.1313 of 2007 to the Family Court, Kollam without delay. The transferee court on receipt of the records shall issue notice to the parties for their appearance.

Transfer petition is disposed of as above.

**S.S.SATHEESACHANDRAN,  
JUDGE.**

bkn/-