

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE MRS. JUSTICE SOPHY THOMAS

FRIDAY, THE 29TH DAY OF JULY 2022 / 7TH SRAVANA, 1944

OP (FC) NO. 351 OF 2022

AGAINST THE ORDER/JUDGMENTOP 1161/2022 OF FAMILY

COURT, THRISSUR

PETITIONER:

UDAYASANKAR.P., AGED 41 YEARS, PANCHARATH
KIZHAKKEPARAMBIL APARTMENTS, VENNIKULAM POST,
PATHANAMTHITTA, PIN - 689 544

BY ADVS.
RAAJESH S.SUBRAHMANIAN
V.R.RAJESH
R.RAJALEKSHMI

RESPONDENT:

RESHMA T. GIREESH, AGED 31 YEARS, THENAYANCHERRY
VEETIL,
AVNUR VILLAGE, VARRADIYAM DESAM, MUNDUR POST,
THRISSUR DISTRICT, PIN - 680 541

BY ADVS.
Babu K.S
N.SUDHA(S-652)
BABU SHANKAR(K/821/2010)
T.N.JAYADEVAN(K/000007/2018)
MINU SIBY ROY(K/000996/2016)

THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 29.07.2022, ALONG WITH Tr.P(C).197/2022, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

OP (FC) No.351/2022 & Tr. PC No. 197/2022

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

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THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

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THE HONOURABLE MRS. JUSTICE SOPHY THOMAS

FRIDAY, THE 29TH DAY OF JULY 2022 / 7TH SRAVANA, 1944

TR.P(C) NO. 197 OF 2022

AGAINST THE ORDER/JUDGMENTOPGW 95/2022 OF FAMILY COURT,

THIRUVALLA

PETITIONER:

RESHMA T. GIRISH, AGED 41 YEARS, D/O. GIRISH,
THENANCHERY HOUSE, AVANUR P.O., AVANUR VILLAGE,
THRISSUR TALUK, THRISSUR DISTRICT, PINCODE-680 541

BY ADVS.
K.S.BABU
N.SUDHA
BABU SHANKAR
MINU SIBY ROY
T.N.JAYADEVAN
D.JOTHIKUMAR

RESPONDENT:

UDAY SHANKAR P., AGED 41 YEARS, S/O.UNNIKRISHNAN,
RESIDING AT PANACHARATH KIZHAKKE PARAMBIL APARTMENT,
VENNIKULAM P.O., PURAMATTAM VILLAGE, MALLAPPALLY
TALUK, PATHANAMTHITTA DISTRICT, PINCODE-689 544.

BY ADVS.
R.RAJALEKSHMI (K/001057/2010)
V.R.RAJESH
RAAJESH S.SUBRAHMANIAN

THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 29.07.2022, ALONG WITH OP (FC).351/2022, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

J U D G M E N T

[OP (FC) Nos.351/2022, 197/2022]

A. Muhamed Mustaque, J

This original petition and transfer petition are between same parties. The original petition is related to the interim custody of the children. In a petition filed for divorce by the mother of the child before the Family Court, Thrissur, she filed an application for the custody of the children. She has granted the custody of the children subject to the contact rights of the father on every 2nd and 4th Sundays from 10 am to 2 pm.

2. The father is a government servant and now he is at Pathanamthitta. The mother is at Thrissur. The father also approached the Family Court, Thiruvalla for permanent custody of the children in O.P (G&W) No.95 of 2022. The mother filed a transfer petition to transfer the above case to the Family Court, Thrissur.

3. Taking note of the fact that the mother is staying at Thrissur and the divorce petition is pending before the Family Court, Thrissur, it is appropriate that

OP (FC) No.351/2022 & Tr. PC No. 197/2022

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all the cases be tried before the same Court. Accordingly, we allow the transfer petition filed by the mother.

4. In regard to the custody, we are of the view that the father should be given custody of the children on every Friday 5.30 pm preceding 2nd Saturday and 4th Saturday and he can keep the custody till the ensuing Sunday at 5 pm. The children shall be handed over and returned from the premises of the Family Court, Thrissur. We also allow the father to have the custody of the children for the ensuing onam from 9.09.2022 at 10 am to 13.09.2022 at 5 pm.

Modifying the impugned order to the extent as above, this original petition is disposed of.

Sd/-

A.MUHAMED MUSTAQUE
JUDGE

Sd/-

SOPHY THOMAS
JUDGE

PR

APPENDIX OF OP (FC) 351/2022

PETITIONER EXHIBITS

- Exhibit P1 TRUE PHOTOCOPY OF THE OP(G&W) NO.
95/2022 DATED: 04/03/2022 FILED BEFORE
FAMILY COURT, THIRUVALLA,
PATHANAMTHITTA DISTRICT
- Exhibit P1(A) TRUE PHOTOCOPY OF THE CERTIFICATE
DATED: 05/03/2022 ISSUED BY ST. THOMAS
ENGLISH MEDIUM LP SCHOOL VENNIKULAM
PATHANAMTHITTA
- Exhibit P2 TRUE PHOTOCOPY OF THE INTERIM ORDER
DATED: 29/03/2022 IN TR.P(C) NO.
197/2022
- Exhibit P3 TRUE PHOTOCOPY OF THE OP NO. 1161/2022
DATED: 06/05/2022 FILED BEFORE FAMILY
COURT, THISSUR
- Exhibit P4 TRUE PHOTOCOPY OF THE IA NO. 02/2022
DATED: 06/05/2022 IN OP NO. 1161/2022
FILED BEFORE FAMILY COURT, THRISSUR
- Exhibit P5 TRUE PHOTOCOPY OF THE ORDER DATED:
11/05/2022 IN IA NO.2/2022 IN OP NO.
1161/2022 OF FAMILY COURT, THRISSUR
- Exhibit P6 TRUE PHOTOCOPY OF THE ORDER DATED:
25/05/2022 IN IA NO. 2/2022 IN O.P
NO.11661/2022 OF FAMILY COURT,
THRISSUR
- Exhibit P7 TRUE PHOTOCOPY OF THE COUNTER
AFFIDAVIT DATED: 07/06/2022 IN IA
NO.02/2022 IN O.P NO. 1161/2022 OF
FAMILY COURT THRISSUR
- Exhibit P8 TRUE PHOTOCOPY OF THE ORDER DATED:
07/06/2022 IN IA NO. 2/2022 IN O.P

OP (FC) No.351/2022 & Tr. PC No. 197/2022

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NO.11661/2022 OF FAMILY COURT,
THRISSUR

Exhibit P9

TRUE PHOTOCOPY OF THE ORDER DATED:
13/06/2022 IN I.A. NUMBER 02/2022 IN
O. P. NO. 1161/2022 OF FAMILY COURT,
THRISSUR

OP (FC) No.351/2022 & Tr. PC No. 197/2022

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APPENDIX OF TR.P(C) 197/2022

PETITIONER ANNEXURES

Annexure A1	THE TRUE COPY OF THE PETITIONER IN OP (G & W) NO.95/2022 OF THE FAMILY COURT, THIRUVALLA
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