

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE SHIRCY V.

MONDAY, THE 07TH DAY OF SEPTEMBER 2020 / 16TH BHADRA, 1942

Tr.P(C).No.296 OF 2020

AGAINST THE ORDER/JUDGMENT IN OPDIV 306/2020 OF FAMILY COURT,
PATHANAMTHITTA

PETITIONER :

RESHMI RADHAKRISHNA
AGED 35 YEARS
D/O. SRI. RADHAKRISHNAN K.,
RANJITH NIVAS, HOUSE NO.NNRA-64 A,
NALANDA, NANTHANCODE, KOWDIAR VILAGE,
KOWDIAR P.O., THIRUVANANTHAPURAM,
PINCODE-695 003.

BY ADVS.
SMT.SHIBI. K.P.
SRI.S.V.RAJAN
SMT.V.K.GAYATHRI DEVI
SRI.S.HEMANTH SANTHOSH
SRI.C.K.SUNIL
SRI.A.N.PREMLAL

RESPONDENT :

SHIJU ALEX VARGHESE
AGED 35 YEARS
S/O. LATE GEEVARGHESE T.M.,
SHIJU SADANAM, POOVANPARA,
VAKAYAR, KONNI P.O.,
PATHANAMTHITTA DISTRICT, KERALA STATE,
PINCODE-689 691.

THIS TRANSFER PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 07.09.2020, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

ORDER

Dated this the 7th day of September 2020

This petition is filed by the petitioner, who is the respondent in O.P.(DIV) No.306/2020 filed by the respondent herein before the Family Court, Pathanamthitta, with a request to transfer the same to the Family Court, Thiruvananthapuram.

2. It is submitted by the learned counsel for the petitioner that, the petitioner is the wife of the respondent and she is residing at Kavadiyar in Thiruvananthapuram District. She has no source of income and she is depending upon her aged father for her livelihood. As she is not having any income and nobody to accompany her to Pathanamthitta to attend the court proceedings, she is compelled to file this petition to get the case transferred from the Family Court Pathanamthitta to the Family Court, Thiruvananthapuram. According to her she is residing within the jurisdiction of the Family

Court, Thiruvananthapuram and so it will be convenient to her to attend the court proceedings, if this petition is allowed.

3. Though notice has been served to the respondent, he did not appear before this Court and offered his objections, if any. So it has to be taken that he has no objection in transferring the case to the Family Court, Thiruvananthapuram.

4. It is well settled that in matrimonial disputes, while considering transfer petitions, the convenience of the wife has to be preferred over the convenience of the husband. (See **Sumita Singh v. Kumar Sanjay** [2000 KHC 1889], **Sailaja V.V v. Koteswara Rao** [2003 KHC 3105]) and **Rajani Kishor Pardeshi v. Kishor Babulal Pradeshi** [(2005) 12 SCC 237].

Therefore, this petition is allowed as prayed for by the petitioner. The learned Judge, Family Court, Pathanamthitta shall transmit the records in O.P.(DIV) No.306/2020 to the Family Court, Thiruvananthapuram, with intimation to

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both sides, after fixing a definite date for their appearance.

Accordingly, this Tr.P.(C) is disposed of.

Sd/-

**SHIRCY V.
JUDGE**

SMA

APPENDIX

PETITIONER'S/S EXHIBITS:

ANNEXURE A **THE TRUE COPY OF THE ORIGINAL PETITION
IN OP(DIV) NO.306/2020 ON THE FILE OF
THE FAMILY COURT, PATHANAMTHITTA.**

ANNEXURE B **THE TRUE COPY OF THE ORIGINAL PETITION
IN OP NO.797/2020 ON THE FILE OF THE
HON'BLE FAMILY COURT,
THIRUVANANTHAPURAM.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

PA TO JUDGE