

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C. JAYACHANDRAN

WEDNESDAY, THE 31<sup>ST</sup> DAY OF JANUARY 2024 / 11TH MAGHA, 1945

TR.P(C) NO. 338 OF 2023

AGAINST OP.No. 638/2022 OF FAMILY COURT, PALA

**PETITIONER/RESPONDENT:**

ASWATHI M.S  
AGED 24 YEARS  
D/O SIVADASAN V.M, THEKKEMADHAVAPPILLY HOUSE,  
KADUNGAMANGALAM P.O, AMBADIMALA CHOTTANIKKARA,  
ERNAKULAM, PIN - 682305  
BY ADVS.  
BASIL CHANDY VAVACHAN  
CHARUTHA BHAIJU  
GEORGIE SIMON  
CHANDHANA BHAIJU  
BASIL SAJAN  
FATHIM NAVAS  
BASIL SCARIA

**RESPONDENT/PETITIONER:**

MAHESH V.S  
AGED 34 YEARS  
S/O V.P SURENDRAN, VADAKKEDATHU KAROTTU,  
PANAMATTAM P.O, KANJIRAPPALLY, PIN - 686522

THIS TRANSFER PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 31.01.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O R D E R

*Dated this the 31<sup>st</sup> day of January, 2024*

Petitioner herein is the respondent in O.P.No.638/2022 pending before the Family court, Pala. The petitioner seeks transfer of the said Original Petition to the Family Court, Ernakulam, essentially on the ground of petitioner's convenience, she having her place of residence within the limits of the transferee court. O.P.No.2614/2022 and M.C.No.268/2022 filed by the petitioner/wife are also pending before the Family Court, Ernakulam.

2. There is no representation for respondent, though he is duly served.

3. Having heard the learned counsel appearing for the petitioner, this Court is inclined to allow the instant Transfer Petition. This Court takes stock

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of the settled legal position that the convenience of wife is a matter to be taken into consideration, while fixing the forum for adjudication of matrimonial disputes, as held by the Hon'ble Supreme Court in a catena of cases, including N.C.V.Aishwarya v. A.S.Saravana Karthik Sha [AIR 2022 SC 4318] .

4. In the circumstances, this Transfer Petition is allowed, directing transfer of O.P.No.638/2022 pending before the Family Court, Pala, to the Family Court, Ernakulam. The transferor Court shall transmit the entire records to the transferee Court, forthwith.

Sd/-

C. JAYACHANDRAN  
JUDGE

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Tr.P. (C) .NO.338 of 2023

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**APPENDIX OF TR.P(C) 338/2023**

PETITIONER ANNEXURES

Annexure-1                      THE TRUE COPY OF OP.NO 638/2022 BEFORE  
THE HONOURABLE FAMILY COURT, PALA