

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.SOMARAJAN

TUESDAY, THE 22ND DAY OF AUGUST 2023 / 31ST SRAVANA, 1945

TR.P (C) NO. 356 OF 2023

G.O.P.NO.1857/2023 OF FAMILY COURT, KUNNAMKULAM

PETITIONERS/RESPONDENTS:

- 1 ATHULYA PA,
D/O APPU, AGED 31 YEARS, PAMBINGAL HOUSE,
KETCHERI ALOOR MATTOM, P.O ALOOR VILLAGE,
KUNNAMKULAM TALUK THRISSUR DISTRICT, PIN- 680602
NOW RESIDING AT ARSHA VIDYA SAMAJAM,
SIVAPRASADSAM HOUSE, PARAKKUZHI, BALARAMAPURAM
(PO) THIRUVANANATHAPURAM - 695 501
- 2 ALANKRITHA REPRESENTED BY HER MOTHER ATHULYA
AGED 7 YEARS, D/O ATHULYA, PAMBINGAL HOUSE,
KETCHERI ALOOR MATTOM, P.O ALOOR VILLAGE,
KUNNAMKULAM TALUK THRISSUR DISTRICT - 680 602
NOW RESIDING AT ARSHA VIDYA SAMAJAM,
SIVAPRASADSAM HOUSE, PARAKKUZHI,
BALARAMAPURAM (PO), THIRUVANANATHAPURAM - 695 501
BY ADVS.
C.R.SIVAKUMAR
SUBHAJA P.
BINI.K
HARI R.
S.SOORYA GAYATHRY

RESPONDENT/APPLICANT:

SHABU MARAKKATH SEKCHARAN,
S/O M SEKCHARAN, MARAKKATH HOUSE
AKATHIYOOR P.O PORKULAM VILLAGE,
AKATHIYOOR TALUK, THRISSUR DISTRICT - 680 519

THIS TRANSFER PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
22.08.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

The wife, along with her minor child, came up for getting transfer of the case pending before the Family Court, Kunnankulam, initiated by the respondent, her husband, for getting custody of the minor child. She is a resident of Balaramapuram and her child is studying at DVLP NSS Thalayil School in Balaramapuram. There is a distance of more than 200 kilometres to the court at Kunnankulam from her residential house. The decision rendered by this Court in **Jisha Thomas and Another vs. George Thomas and Another [2022 (1) KHC 623]** was brought to the notice of this Court in support of her argument that paramount consideration should be for the benefit and welfare of the minor child while ordering transfer of the case and also, by applying the principle of minimum sufferance to both wife and

child, it is fit and proper to withdraw G.O.P.No.1857/2023 pending before the Family Court, Kunnamkulam and to the Family Court, Thiruvananthapuram. Hence, ordered accordingly by allowing this transfer petition. Send the records forthwith to the transferee court. Parties shall appear before the transferee court on 07.09.2023. The transfer petition will stand allowed accordingly.

sd/-

**P . SOMARAJAN
JUDGE**

rkr-23-08

APPENDIX OF TR.P (C) 356/2023

PETITIONERS EXHIBITS

Exhibit P1 A TRUE COPY OF THE IA NO 2//2023 IN GOP NO
1857/2023 RECEIVED BY THE PETITIONERS DATED
30/05/2023

Exhibit P2 A TRUE COPY OF THE NOTICE DATED 10/04/2023
ISSUED BY THIS DISTRICT CHILD WELFARE
COMMITTEE

RESPONDENT EXHIBITS NIL

//TRUE COPY//P.A.TO JUDGE