

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C. JAYACHANDRAN

TUESDAY, THE 27TH DAY OF FEBRUARY 2024 / 8TH PHALGUNA, 1945

TR.P(C) NO. 906 OF 2023

AGAINST OPGW 480/2023 OF FAMILY COURT, MAVELIKKARA

PETITIONER/RESPONDENT:

FATHIMA SHEREEFA

AGED 26 YEARS

D/O. RASHEED P.K, SHEREEFA MANZIL, NETTOOR P.O,
ERNAKULAM., PIN - 682040

BY ADVS.

M.A.VAHEEDA BABU

BABU KARUKAPADATH

ARYA RAGHUNATH

P.U.VINOD KUMAR

P.LAKSHMI

KARUKAPADATH WAZIM BABU

AJWIN P LALSON

SHIFANA KAISE

DENNIS BIJU

RESPONDENT/PETITIONER:

SHEMEER S

AGED 35 YEARS

S/O SHAMSUDEEN, KALEECKAL PADEETTATHIL, KUNNATH
KOIKKALAYYATH, NEAR MANNOOKKUNNU MASJID, CHERAVALLY
P.O., KAYAMKULAM., PIN - 690537

THIS TRANSFER PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27.02.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O R D E R

Dated this the 27th day of February, 2024

Petitioner herein is the respondent in O.P. (G&W)No.480/2023 pending before the Family court, Mavelikkara. 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.3521/2022 between the same parties is also pending before the Family Court, Ernakulam.

2. Despite service of notice, the respondent had not entered appearance before this Court.

3. Having heard the learned counsel appearing for the petitioner, this Court is inclined to allow the instant Transfer Petition. This Court takes stock 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. (G&W)No.480/2023 pending before the Family Court, Mavelikkara, 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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APPENDIX OF TR.P(C) 906/2023

PETITIONER ANNEXURES

Annexure A1	A TRUE COPY OF O.P.(G&W) NO.480/2023 DATED 14/03/2023 ON THE FILE OF THE HON'BLE FAMILY COURT, MAVELIKARA.
Annexure A2	A TRUE COPY OF THE MEDICAL CERTIFICATE DATED 28/10/2023 ISSUED BY DR.KUNJIMON M. SEBASTIAN, CHIEF PHYSICIAN, P.S MISSION HOSPITAL, MARADU IN NAME OF THE PETITIONER.
Annexure A3	A TRUE COPY OF THE JUDGMENT DATED 28/11/2023 IN TR.P(C) NO.747/2023 ON THE FILE OF THE HON'BLE HIGH COURT OF KERALA.