



2024:KER:68518

Tr.P.(C) No.464 of 2024

: 1 :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE VIJU ABRAHAM

MONDAY, THE 9TH DAY OF SEPTEMBER 2024 / 18TH BHADRA, 1946

TR.P(C) NO. 464 OF 2024

IN OP NO.743 OF 2024 OF FAMILY COURT,KOZHIKODE

PETITIONER/RESPONDENT:

AKSHAYA R NATH
AGED 26 YEARS
D/O. RAGHUNATH C.S, CHERUKUNNATHU, POONJAR P.O.,
POONJAR VILLAGE, MEENACHIL TALUK, KOTTAYAM
DISTRICT,, PIN - 686581

BY ADVS.
LIJI.J.VADAKEDOM
ATHUL V. VADAKKEDOM
REXY ELIZABETH THOMAS

RESPONDENT/PETITIONER:

RAHUL P. GOPAL
AGED 29 YEARS, S/O. GOPALAKRISHNAN P.A,
SNEHATHEERAM, THEKKEVALLIKUNNU, PANTHEERANKAVU P.O,
PANNIYOORKKULM, PERUMANA VILLAGE, KOZHIKODE TALUK,
KOZHIKODE DISTRICT, PIN - 673019

THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 09.09.2024, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



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VIJU ABRAHAM, J.

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Dated this the 9th day of September, 2024

ORDER

This transfer petition is filed seeking to transfer O.P.No.743/2024 pending before the Family Court, Kozhikode to Family Court, Pala.,

2. O.P.No.743/2024 is filed by the respondent husband seeking to declare that the registration of marriage at the Mankombukavu Devasom register and also in the marriage certificate issued by the Poonjar Grama Panchayat dated 04.10.2023 as null and void, whereas the petitioner wife has also filed a petition as O.P.No.356/2024 before the Family Court, Pala to declare the marital status as shown in the marriage certificate issued by the Poonjar Grama Panchayat dated 04.10.2023 as null and void. The learned counsel for the petitioner submits that the petitioner is presently residing in Poonjar Village in Kottayam District and she is finding it difficult to travel all the way to



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Kozhikode to attend the court proceedings. It is further submitted that another proceedings seeking a similar relief is pending consideration before the Family Court, Pala. It is further submitted that the certificate sought to be declared as null and void is issued by the Secretary, Poonjar Grama Panchayat which is within the territorial jurisdiction of Family Court, Pala.

3. Though notice was served on the respondent through the counsel appearing for the respondent in the trial court, there is no appearance on his behalf and therefore, service of notice on the respondent is declared to have been served as provided in Rule 59 of the Kerala High Court Rules.

4. Taking into consideration the fact that another proceeding is pending consideration as O.P.No.356/2024 before the Family Court, Pala between the parties and also considering the fact that the petitioner is residing within the territorial jurisdiction of Family Court, Pala and also in view of the settled position of law that the convenience of the wife is of prime consideration, while considering an application for transfer of the case as held by the Apex Court in ***Aishwarya v. Saravana Karthik Sha***[2022 (4)



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KLT OnLine 1020 (SC)], Rajani Kishor Pardeshi v. Kishor Babulal Pardeshi [2005 (1) KLT OnLine 1169(SC)], Mangla Patil Kale v. Sanjeev Kumar Kale [2003 (10) SCC 280] and Sumita Singh v. Kumar Sanjay and another [AIR 2002 (SC) 396], I am inclined to pass an order directing to transfer O.P.No.743/2024 pending before the Family Court, Kozhikode to Family Court, Pala for trial and disposal.

The above transfer petition is allowed as above.

sm/

Sd/-
VIJU ABRAHAM
JUDGE



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APPENDIX OF TR.P(C) 464/2024

PETITIONER ANNEXURES

Annexure -I	THE COPY OF THE PETITION IN O.P. NO. 356/2024 DATED 8/5/2024 BEFORE THE FAMILY COURT, PALA SUBMITTED BY THE PETITIONER
Annexure -II	THE COPY OF THE NOTICE OF APPEARANCE DATED 4.5.2024 ISSUED TO THE PETITIONER
Annexure-III	THE COPY OF THE ORIGINAL PETITION IN O.P. NO. 743/2024 PENDING BEFORE THE FAMILY COURT, KOZHIKODE