



2023:KER:33073

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.SOMARAJAN

WEDNESDAY, THE 14<sup>TH</sup> DAY OF JUNE 2023 / 24TH JYAISHTA, 1945

TR.P(C) NO. 166 OF 2023

AGAINST THE ORDER/JUDGMENT IN OPGW 591/2022 OF FAMILY COURT, PALA

TO FAMILY COURT, ERNAKULAM

PETITIONER/RESPONDENTS:

- 1 DIVYA JOSE, AGED 29 YEARS,  
D/O MR. JOSE JOSEPH, PANAMKUNNEL HOUSE,  
NEAR BSNL EXCHANGE, VALAVOOR, VALAVOOR P.O,  
KOTTAYAM DISTRICT -686635 NOW RESIDING AT H064,  
BLOCK -4 DLF NTH, SEAPORT-ARIPORT ROAD,  
KAKKANAD - 682037 - 682037
- 2 BETTY JOSE, AGED 58 YEARS,  
W/O JOSE JOSEPH, PANAMKUNNEL HOUSE,  
NEAR BSNL EXCHANGE, VALAVOOR,  
VALAVOOR P.O,  
KOTTAYAM DISTRICT -686635.  
REPRESENTED BY THE THIRD PETITIONER POWER OF ATTORNEY  
HOLDER, MR. JOSE JOSEPH, AGED 62 YEARS, S/O JOSEPH  
PANAMKUNNEL,  
PANAMKUNNEL HOUSE,  
NEAR BSNL EXCHANGE, VALAVOOR,  
VALAVOOR P.O,  
KOTTAYAM DISTRICT -686635.
- 3 JOSE JOSEPH, AGED 62 YEARS, S/O JOSEPH PANAMKUNNEL,  
PANAMKUNNEL HOUSE, NEAR BSNL EXCHANGE, VALAVOOR,  
VALAVOOR P.O, KOTTAYAM DISTRICT -686635.

BY ADV ANITHA MATHAI MUTHIRENTHY

RESPONDENT/:

- 1 STEAPHEN ANTONY VENANSIOUS,  
AGED 37 YEARS,  
S/O JOHNNY NICOLAS VENANSIOUS, I.T. PROFESSIONAL,  
RESIDING AT APARTMENT 19B, GOLD TOWER, 1/144,  
CHEMBUMUKKU, VAZHAKKALA, KOCHI - 682030 AND HAVING  
PERMANENT RESIDENCE AT 'MARY MAJOR', MWRA NO. 43,  
OPPOSITE COLLECTOR`S BUNGALOW,  
MUNDAKKAL WEST, KOLLAM CITY,  
KOLLAM - 691001.



- 2      **JOHNY NICOLAS VENANSIOUS,  
AGED 72 YEARS, S/O JOHNY NICOLAS,  
RESIDING AT 'MARY MAJOR', MWRA NO. 43, OPPOSITE  
COLLECTOR`S BUNGALOW, MUNDAKKAL WEST,  
KOLLAM CITY, KOLLAM - 691001.**
- 3      **KAMEELA VENANSIOUS,  
AGED 64 YEARS, W/O JOHNY NICOLAS VENANSIOUS,  
RESIDING AT 'MARY MAJOR', MWRA NO. 43, OPPOSITE  
COLLECTOR`S BUNGALOW, MUNDAKKAL WEST, KOLLAM CITY,  
KOLLAM - 691001.  
BY ADVS.  
SHAIJAN C GEORGE C GEORGE  
VINAI JOHN**

**THIS TRANSFER PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 14.06.2023, ALONG WITH Tr.P(C).169/2023, THE COURT ON THE SAME  
DAY DELIVERED THE FOLLOWING:**



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.SOMARAJAN

WEDNESDAY, THE 14<sup>TH</sup> DAY OF JUNE 2023 / 24TH JYAISHTA, 1945

TR.P(C) NO. 169 OF 2023

AGAINST THE ORDER/JUDGMENT IN OP(DIV) NO. 724/2022 OF FAMILY  
COURT, PALA TO FAMILY COURT, ERNAKULAM

PETITIONER/RESPONDENT:

DIVYA JOSE, AGED 29 YEARS, D/O MR. JOSE JOSEPH,  
PANAMKUNNEL HOUSE, NEAR BSNL EXCHANGE, VALAVOOR,  
VALAVOOR P.O, KOTTAYAM DISTRICT -686635  
NOW RESIDING AT H064, BLOCK -4 DLF NTH, SEAPORT-ARIPORT  
ROAD, KAKKANAD - 682037.

BY ADV ANITHA MATHAI MUTHIRENTHY

RESPONDENT/PETITIONER:

STEAPHEN ANTONY VENANSIOUS,  
AGED 37 YEARS, S/O JOHNY NICOLAS VENANSIOUS,  
I.T. PROFESSIONAL, RESIDING AT APARTMENT 19B,  
GOLD TOWER, 1/144, CHEMBUMUKKU,  
VAZHAKKALA, KOCHI - 682030 AND HAVING PERMANENT  
RESIDENCE AT 'MARY MAJOR', MWRA NO. 43,  
OPPOSITE COLLECTOR`S BUNGALOW, MUNDAKKAL WEST,  
KOLLAM CITY, KOLLAM - 691001.

BY ADVS.  
SHAIJAN C GEORGE C GEORGE  
VINAI JOHN

THIS TRANSFER PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 14.06.2023, ALONG WITH Tr.P(C).166/2023, THE COURT ON THE SAME  
DAY DELIVERED THE FOLLOWING:

**ORDER**

The wife came up in order to get transfer of two cases pending before the Family Court, Pala, on the sole reason that now she is residing with her minor child at Ernakulam, for which she has produced the gas connection document. Admittedly, the respondent/husband is now employed in Bangalore. His address is stated to be Vazhakala, Ernakulam. The learned counsel for the respondents fairly submitted that he is a resident of Kollam and that it is his old address.

2. *Inter alia*, it is also submitted that, on an earlier occasion, he was brutally manhandled by his father in law and mother-in-law. It is also submitted that damages were caused to his testicles and he had undergone treatment. His apprehension is that if the case is transferred to the Family Court at Ernakulam, there is every likelihood of repeating the very same incident.

3. At the fag end of the argument, the learned



counsel for the respondent fairly submitted that the case can be transferred to any other court either at Alappuzha or at any court convenient to the parties except the court at Ernakulam. The apprehension is found to be well placed and as such, both the cases pending before the Family Court, Pala will stand withdrawn and transferred to the Family Court at Alappuzha. Send the records forthwith. The parties shall appear before the Court at Alappuzha, the transferee court on 30/06/2023.

Both the Transfer Petitions will stand allowed accordingly.

**Sd/-**

**P . SOMARAJAN**

**JUDGE**



**APPENDIX OF TR.P(C) 169/2023**

**PETITIONER ANNEXURES**

**Annexure A1**                      **TRUE COPY OF OP(DIV) 724/2022 FILED BY THE RESPONDENT**

**RESPONDENT ANNEXURES**

**Annexure R2**                      **A copy of the Discharge Summary obtained from th hospital.**

**PETITIONER ANNEXURES**

**Annexure A2**                      **TRUE COPY OF THE ADDRESS PROOF OF THE PETITIONER**

**RESPONDENT ANNEXURES**

**Annexure R1**                      **A true copy of the relevant part of the Whats App chat held between the respondent and the petitioner on 6.3.2022.**



**APPENDIX OF TR.P(C) 166/2023**

**PETITIONER ANNEXURES**

<b>Annexure A1</b>	<b>POWER OF ATTORNEY DATED 30.1.2023 EXECUTED BY THE 2ND PETITIONER IN FAVOUR OF THE 3RD PETITIONER</b>
<b>Annexure A2</b>	<b>A TRUE COPY OF OP(G&amp;W) 591/2022 FILED BY THE RESPONDENTS</b>
<b>Annexure A3</b>	<b>A TRUE COPY OF IA NO.2/2022 FILED BY THE PETITIONER HEREIN</b>
<b>Annexure A4</b>	<b>A TRUE COPY OF THE OBJECTION FILED BY THE ORIGINAL PETITIONER TO IA 2/2022 DATED 18/12/2022</b>
<b>Annexure A5</b>	<b>A TRUE COPY OF THE ORDER DATED 19.12.2022 IN IA 2/2022</b>
<b>Annexure A6</b>	<b>A TRUE COPY OF THE ADDRESS PROOF OF THE FIRST PETITIONER</b>

**RESPONDENT ANNEXURES**

<b>ANNEXURE R1</b>	<b>A TRUE COPY OF THE RELEVANT PART OF THE WHATS APP CHAT HELD ON 06.03.2022 IN BETWEEN THE 1ST PETITIONER AND THE ANSWERING RESPONDENT.</b>
<b>ANNEXURE R2</b>	<b>A TRUE COPY OF THE DISCHARGE SUMMARY.</b>