



2026:KER:77263

TR.P(C) NO. 496 OF 2026

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

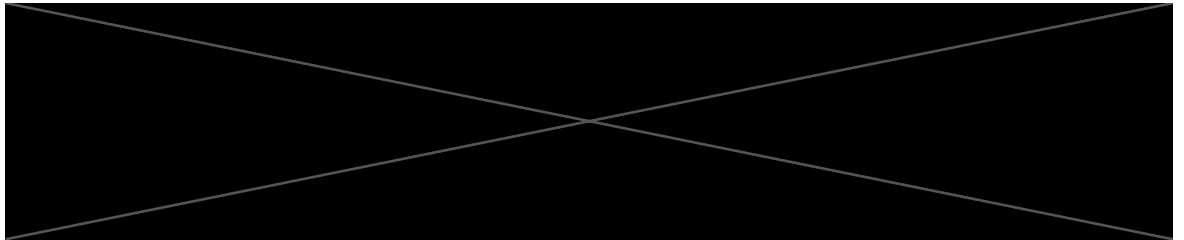
THE HONOURABLE MR.JUSTICE C.S.DIAS

WEDNESDAY, THE 7TH DAY OF OCTOBER 2026 / 15TH ASWINA, 1948

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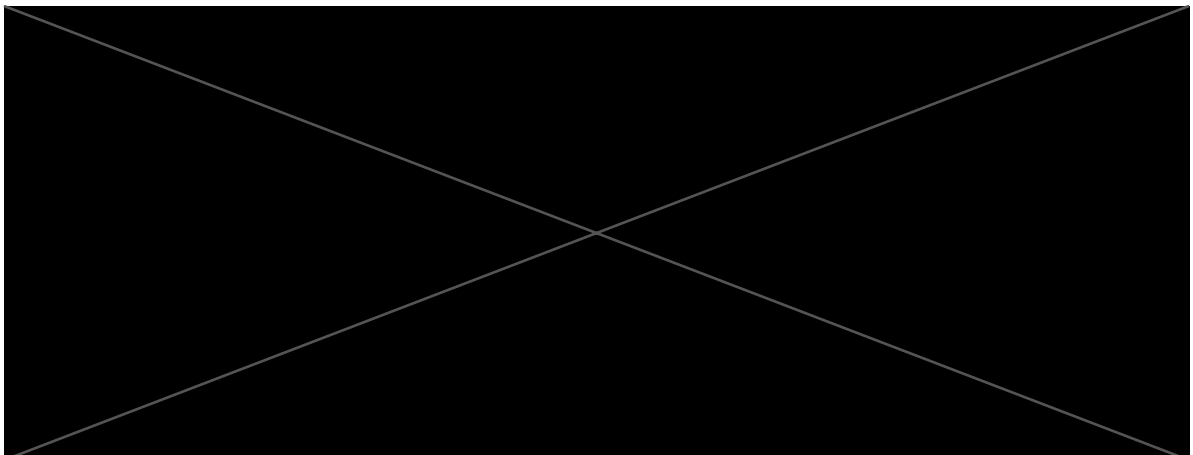
AGAINST THE ORDER/JUDGMENT DATED IN OP NO.2496 OF 2023
OF FAMILY COURT, ALUVA

PETITIONER/1ST PETITIONER:



BY ADVS.
SRI.V.K.BALACHANDRAN
SMT.AMRUTHA P.S.

RESPONDENTS/RESPONDENT AND PETITIONERS 2 AND 3 IN O.P:

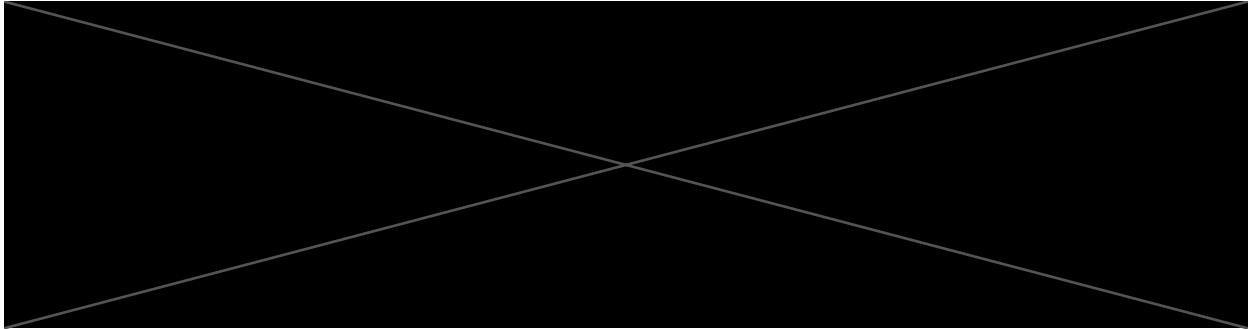




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BY ADVS.
SMT.N.S.HASNA MOL
SMT.POOJA M. NAIR
SRI.K.K.NASSEER (ALUVA)
SHRI. SUDHEER K.K.

THIS TRANSFER PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 07.10.2026, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:



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“C.R”**Dated this the 7th day of October, 2026****ORDER**

The transfer petition is filed under Section 24 of the Code of Civil Procedure, seeking transfer of O.P. No. 1271 of 2023 from the Family Court, Aluva, to the Family Court, Ernakulam.

2. The petitioner states that the first respondent is his estranged wife and that they have three children born in their wedlock. Respondents 2 and 3 are his parents. According to the petitioner, the first respondent has wilfully denied him custody of his children. Accordingly, he filed O.P. No. 2496 of 2023 before the Family Court, Ernakulam, seeking custody of the children. The Family Court granted him interim custody and visitation rights of the children, which order the first respondent challenged before this Court in O.P.(FC) No. 94 of 2024. However, this



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Court dismissed the original petition. Thereafter, the first respondent filed applications before the Family Court to modify the interim custody order; those applications were also dismissed. Subsequently, pursuant to the Government of Kerala re-determining the territorial jurisdiction of the Family Courts on the basis of villages instead of taluks, the original petition was transferred from the Family Court, Ernakulam, to the Family Court, Aluva, and renumbered as O.P. No. 1271 of 2023. The petitioner resides at Thiruvananthapuram, whereas the first respondent and the children reside at Kakkanad, Ernakulam. According to the petitioner, the transfer of the proceedings has caused inconvenience to both sides. He further states that the Family Court, Ernakulam, had appointed a lawyer for the children under the Child Legal Assistance Program ('CLAP Lawyer', for brevity), with whom the children have become acquainted. It is contended that continuation of the proceedings before the



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Family Court, Aluva, would cause serious hardship and prejudice to the petitioner and the children. Hence, the transfer petition.

3. The first respondent has filed a counter affidavit opposing the transfer petition. She contends that she and the children reside in Thrikkakara Village, Kakkanad, and that it is more convenient for them to attend proceedings before the Family Court, Aluva. It is further contended that, in view of Section 9 of the Guardians and Wards Act, 1890, the Family Court, Aluva, is the court of competent jurisdiction, as the children ordinarily reside within its jurisdiction. The first respondent contends that the transfer petition is devoid of merit and is liable to be dismissed.

4. I have heard the learned counsel appearing for the petitioner and the learned counsel appearing for the first respondent.

5. The petitioner's grievance is against the



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transfer of the proceedings from the Family Court, Ernakulam, to the Family Court, Aluva. The petitioner contends that the CLAP Lawyer appointed by the Family Court, Ernakulam, has become acquainted with the children and that it would therefore be contrary to their best interests to continue the proceedings before the Family Court, Aluva. Hence, he seeks re-transfer of the proceedings to the Family Court, Ernakulam.

6. This Court, on its administrative side, after taking into consideration various relevant factors, including the convenience of litigants and the need to equalise the pendency in the Family Courts in the Districts of Ernakulam, Thiruvananthapuram, Kollam, Thrissur and Malappuram, recommended refixation of the territorial jurisdiction of the Family Courts in the above Districts on the basis of villages instead of taluks. Pursuant to the said recommendation, the Government of Kerala, by G.O.(Ms) No.51/2026/Home (1) to (4) (S.R.O.



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Nos.351-354/2026) dated 06.03.2026, published in the Kerala Gazette No.1102, Vol.XV dated 11.03.2026, refixed the territorial jurisdiction of the Family Courts in the aforesaid Districts.

7. It is pursuant to the above-mentioned Gazette Notification that O.P. No. 1271 of 2023 was transferred from the Family Court, Ernakulam, to the Family Court, Aluva.

8. The recommendation for refixation of the territorial jurisdiction of the Family Courts in the above - mentioned Districts was made by this Court after considering the larger interests of the administration of justice and the convenience of litigants. The transfer of the proceedings in the present case is a direct consequence of the decision. The petitioner, therefore, cannot seek re-transfer merely on the ground of his inconvenience.

9. In any event, the distance between the Family



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Court, Ernakulam, and the Family Court, Aluva, is less than 20 kilometres, and the two courts are well connected by road and metro. Moreover, the first respondent and the children reside at Kakkanad, which is closer to the Family Court, Aluva, than to the Family Court, Ernakulam. Admittedly, the petitioner resides at Thiruvananthapuram. Thus, so far as the petitioner is concerned, the choice between the Family Court, Aluva, and the Family Court, Ernakulam, does not materially affect his convenience. It is also pertinent to state that the pendency before the Family Court, Aluva, is comparatively lower than that before the Family Court, Ernakulam, and the proceedings are therefore more likely to be concluded expeditiously.

10. The principles governing the transfer of proceedings are well settled. The Hon'ble Supreme Court, in **Sumita Singh v. Kumar Sanjay and another** [2002 KHC 1889], **Vaishali Shridhar Jagtap v. Shridhar Vishwanath Jagtap** [2016 KHC 6489], **Santhini v. Vijaya Venketesh**



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[2017 (5) KHC 48] and **N.C.V. Aishwarya v. A.S. Saravana Karthik Sha** [2022 (5) KHC 185], and a whole line of precedents, has consistently held that, while considering the transfer of matrimonial proceedings, the convenience of the woman and children is an important consideration and, in appropriate cases, may be determinative. At the same time, the Court is required to balance the competing conveniences and inconveniences of the parties, having regard to the nature and circumstances of each case.

11. Applying the aforesaid principles to the facts and circumstances of the present case, and having regard to the pleadings, the materials on record and the administrative decision of this Court resulting in the transfer of the proceedings, I am not persuaded to exercise the discretionary jurisdiction of this Court and order the re-transfer of the proceedings from the Family Court, Aluva, to the Family Court, Ernakulam.

12. More importantly, permitting the transfer



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merely because the proceedings were transferred pursuant to the administrative decision of this Court would defeat the objective sought to be achieved by the re-determination of the territorial jurisdiction of the Family Courts. The reorganisation was undertaken in the larger interest of the administration of justice and to secure a more equitable distribution of cases among the Family Courts in each District. An exception in the present case, in the absence of compelling circumstances warranting such intervention, would run counter to the object sought to be achieved.

In the result, the transfer petition is dismissed. Nevertheless, having regard to the fact that a CLAP Lawyer had earlier been appointed by the Family Court, Ernakulam, and that the children have become acquainted with the said lawyer, the Family Court, Aluva, shall, as far as practicable, seek the assistance of the same CLAP Lawyer, so that the children may continue to receive the



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benefit of the familiarity and support afforded by the lawyer already appointed.

With the above observation, the transfer petition stands dismissed.

Sd/-

C.S.DIAS, JUDGE

mtk/rmm



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APPENDIX OF TR.P(C) NO. 496 OF 2026

PETITIONER ANNEXURES

Annexure I	TRUE COPY OF O.P. NO.2496/2023 DATED 14.11.2023 ON THE FILE OF FAMILY COURT, ERNAKULAM
Annexure II	TRUE COPY OF ORDER IN IA NO.6/2025 AND IA NO.7/2025 IN O.P. NO.2496/2023 DATED 26.3.2025 OF THE FAMILY COURT, ERNAKULAM
Annexure III	TRUE COPY OF ORDER IN IA NO.12/2025 AND IA NO.14/2025 IN O.P. NO.2496/2023 DATED 30.07.2025 OF THE FAMILY COURT, ERNAKULAM