

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO. 463 OF 2020

BHAVANI RAMKRISHANAN VANPARAMBIL & ANR.                      Petitioner(s)

VERSUS

V.R. SURESH & ORS.    Respondent(s)

O R D E R

This Transfer Petition is filed by the petitioners seeking transfer of a partition suit, being OS No. 84 of 2017, from the Court of Additional Sub-Judge, Irinjalakuda, District Thrissur, Kerala to the Court of Additional Principal Judge, Dindoshi Court, Goregaon East, General Arun Kumar Vaidya Marg at Mumbai - 400063.

On 19.06.2020, notice was ordered in this matter. According to the Office Report dated 26.10.2021, service is complete on the respondents, particularly the first respondent who was the plaintiff in the suit. However, he has not chosen to appear through counsel.

Generally, this Court will be loathe to order the transfer of a partition suit, but in the case on hand, the first respondent herein, who is the plaintiff, has also shown his present address only at Mumbai. There are two immovable properties described in Schedules 'A' and 'B' to the plaint. While the property described in Schedule 'A' is in Trissur,

Kerala, the property described in Schedule 'B' is a flat in Malad West, Mumbai-400064. Therefore, the competent court at Mumbai as well as the Court at Trissur, Kerala, both have concurrent jurisdiction.

The first petitioner herein is the mother of the first respondent who is now aged about 80 years. The plaint shows that the plaintiff as well as Defendant Nos. 1 to 3 in the suit are presently residing only at Mumbai.

The first respondent has also not chosen to appear or oppose this Transfer Petition. Therefore, this Transfer Petition is allowed. The partition suit, being OS No. 84 of 2017, is directed to be transferred from the Court of Additional Sub-Judge, Irinjalakuda, District Thrissur, Kerala to the Court of the Additional Principal Judge, Dindoshi Court, Goregaon East, General Arun Kumar Vaidya Marg at Mumbai - 400063.

The Registry is directed to immediately transmit a copy of this order to both the Courts.

.....J.  
[ V. RAMASUBRAMANIAN ]

New Delhi;  
OCTOBER 27, 2021.

ITEM NO.1

COURT NO.11

SECTION XVI-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Transfer Petition(s)(Civil) No(s). 463/2020

BHAVANI RAMKRISHANAN VANPARAMBIL & ANR.

Petitioner(s)

VERSUS

V.R. SURESH & ORS.

Respondent(s)

(IA No. 38906/2020 - STAY APPLICATION)

Date : 27-10-2021 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Petitioner(s) Mr. Arvind Gupta, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

The Transfer Petition is allowed in terms of the signed order.  
Pending interlocutory application(s), if any, is/are disposed  
of.

(JAYANT KUMAR ARORA)  
COURT MASTER

(PARVEEN KUMARI PASRICHA)  
ASSISTANT REGISTRAR

(Signed order is placed on the file)