

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED :30.10.2017  
CORAM :  
THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA  
Tr.C.M.P. Nos.316, 317 of 2016  
and  
C.M.P.Nos.8867, 8868 of 2016

A.Sweetlin Betsy

... Petitioner in both  
Tr.C.M.P.s

Vs.

1. Robinson ... 1st Respondent in both  
Tr.C.M.P.s
2. Axis Bank Ltd.,  
Rep. by its Branch Manager,  
Pallavaram Branch,  
Tambaram,  
Chennai - 600 045. ...2nd Respondent in  
Tr.C.M.P.No.316 of 2016
3. Mary ...2nd Respondent in  
Tr.C.M.P.No.317 of 2016

Prayer in Tr.C.M.P.No.316 of 2016:- Petition has been filed under Section 24 of C.P.C praying to withdraw the O.S.No.2 of 2016 on the file of the Learned Family Court, Thiruvallur and transfer the same to the Family Court, Chennai.

Prayer in Tr.C.M.P.No.317 of 2016:- Petition has been filed under Section 24 of C.P.C praying to withdraw the I.D.O.P.No.4 of 2016 on the file of the Learned Family Court, Thiruvallur and transfer the same to the Family Court, Chennai.

For Petitioner  
For Respondent

: Mr.M.Raja Sekhar  
: Ms.R.Suganya (for R1),  
for M/s. Majestic Law firm  
No Appearance (for R2),  
No Appearance (for R3),

C O M M O N   O R D E R

The petitioner/wife in a matrimonial dispute has filed above Transfer Civil Miscellaneous Petitions, to withdraw I.D.O.P. No.4 of 2016 and O.S. No.2 of 2016, on the file of the Family Court, Thiruvallur and transfer the same to the file of Family Court, Chennai.

2 It is stated in the affidavit that the marriage was held between the petitioner and the 1<sup>st</sup> respondent on 13.01.2012 and she is having a minor child aged about 3 years. It is further stated that she is employed as a Senior Consultant in the HCL company, Sholinganallur and at present she is residing at No.127, 4<sup>th</sup> Main Road, Sri Ayyappa Nagar, Chinmaya Nagar, Chennai 600 092, with her brother's family, which is within the jurisdiction of the Family Court, Chennai. Therefore, it is difficult for her to leave the child to attend the hearing in Family Court, Thiruvallur and get back to office in the event hearings is offered earlier. Even otherwise traveling from Chennai to Thiruvallur each of the hearing is difficult as stated by her.

3. Heard the learned counsel for the petitioner as well as the learned counsel for the 1<sup>st</sup> respondent. Though the 2<sup>nd</sup> and 3<sup>rd</sup> respondents served with the notice, they have not cared to represent either in person or through counsel.

4. Ms.R.Suganya, learned counsel appearing for the first respondent has got no serious objection for the transfer of I.D.O.P. No.4 of 2016 and O.S. No. 2 of 2016 from the file of Family Court, Thiruvallur to any of the Family Court Chennai.

5. Considering the averments made in the affidavit and also Section 19(iii-a) of the Hindu Marriage Act, which gives preference to the wife where she resides, this Court is inclined to transfer both the proceedings to the Family Court Chennai.

6. Accordingly, the Transfer Civil Miscellaneous Petitions are allowed and I.D.O.P. No.4 of 2016 and O.S. No.2 of 2016, pending on the file of Family Court, Thiruvallur shall stand withdrawn and transferred to any of the Family Courts in Chennai. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

msvm/rsi

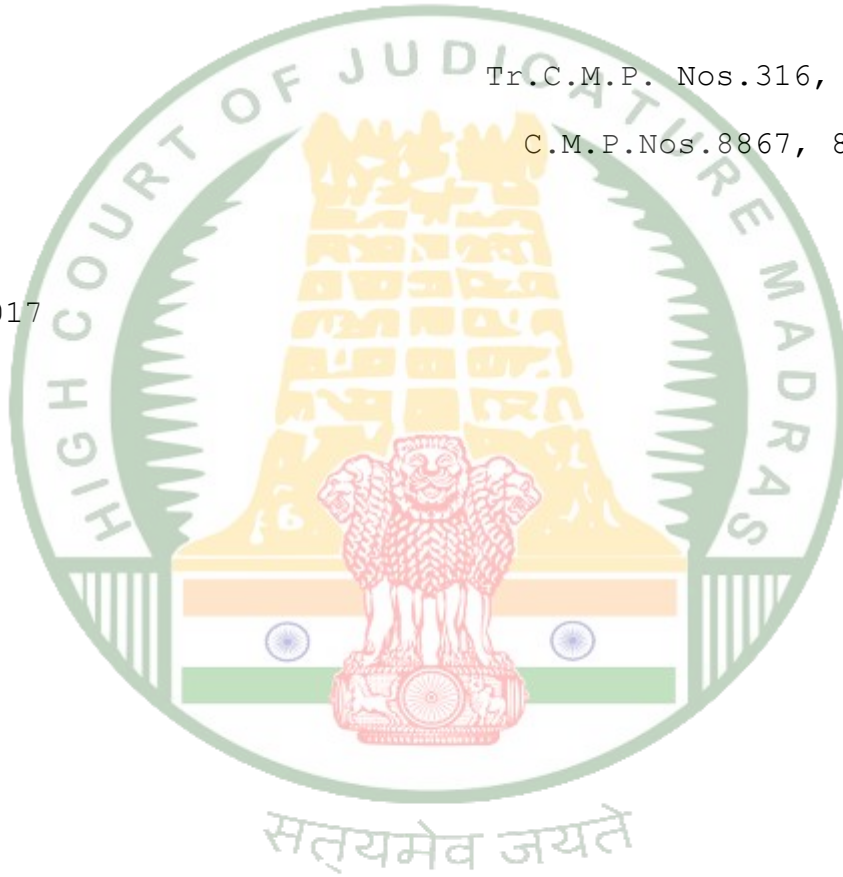
To

1. The Judge,  
Family Court, Thiruvallur.
2. The Judge,  
The Family Court, Chennai.

+1 cc to Mr.M.Raja sekhar Advocate sr 76789

Tr.C.M.P. Nos.316, 317 of 2016  
and  
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