



TR CMP No.54 of 2025

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-09-2025

CORAM

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

TR CMP No.54 of 2025

and

CMP No.1127 of 2025

B. Karthikeyani
D/o.S.Baskar @ S. Balashanmugam,
14 Bye Pass Road, Opp to State Bank,
Pallipalayam, Namakkal 638 006.

Petitioner(s)

Vs

S.Harsath
S/o.P.Sundarraaj,
D.No.53, Savithri Nagar, Chetty Street,
Coimbatore 641 001.

Respondent(s)

Transfer Miscellaneous Petition filed under Section 24 CPC to
withdraw H.M.O.P.No.659 of 2024 from the file of the Family Court,
Coimbatore and transfer the same to the file of the Family Court, Erode.

For Petitioner(s): Mr.V.Balamurugan

For Respondent(s): Ms.J.Swetha



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for Mr.K.Govi Ganesan

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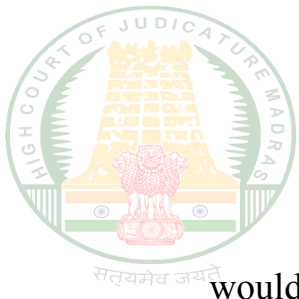
ORDER

This petition has been filed to withdraw H.M.O.P.No.659 of 2024 from the file of the Family Court, Coimbatore and transfer the same to the file of the Family Court, Erode.

2. Heard the learned counsel on both sides.

3. The learned counsel appearing for the petitioner would submit that the petitioner/wife filed a complaint in D.V.A.No.9 of 2024 and the same is pending on the file of the Additional Mahila Court, Erode and the respondent/husband also entered appearance to defend the case. He would further submit that the petitioner/wife is residing in Pallipalayam, Namakkal District, which is nearer to Erode. Further, he would submit that it would be very difficult for her to travel all the way from Namakkal to Coimbatore for attending each and every hearing of the case, as she is taking care of her aged parents. Therefore, the case in H.M.O.P.No.659 of 2024 may be withdrawn from the file of the Family Court, Coimbatore and transferred to the file of the Family Court, Erode.

4. The learned counsel appearing for the respondent/husband



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would submit that the petitioner/wife was set *ex parte* in H.M.O.P.No.659 of 2024 and if the case is transferred from Coimbatore to Karur, it would cause serious prejudice to the respondent/husband. Therefore, he prays for dismissal of this petition.

5. The learned counsel for the petitioner/wife, in response to the aforesaid contention, would submit that this Court *vide* order dated 29.01.2025 has granted an order of interim stay. However, the petitioner/wife was set *ex parte* in H.M.O.P.No.659 of 2024 by the Court below on 25.04.2025 without considering the order of interim stay granted by this Court. He further prays to transfer the interlocutory application filed by the petitioner/wife along with the main H.M.O.P.No.659 of 2024.

6. I have gone through the affidavit filed in support this petition and I find merit in the submissions made by the learned counsel for the petitioner/wife. It is also admitted that the petitioner/wife had initiated the complaint in D.V.A.No.9 of 2025 before the Additional Mahila Court, Erode, in which, the respondent/husband also entered appearance.



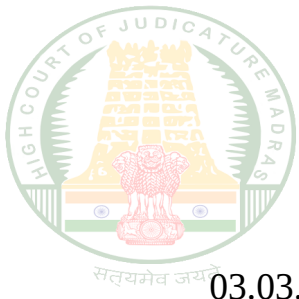
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7. At this juncture, it may be apposite to cite the judgment of the Hon'ble Apex Court in ***N.C.V.Aishwarya vs. A.S.Saravana Karthik*** (***MANU/SC/1211/2022 : 2022 Live Law (SC) 627***) held at paras 9 and 10, which reads as under:-

"9. The cardinal principle for exercise of power under section 24 of the Code of Civil Procedure is that the ends of justice should demand the transfer of the suit, appeal or other proceeding. In matrimonial matters, wherever Courts are called upon to consider the plea of transfer, the Courts have to take into consideration the economic soundness of both the parties, the social strata of the spouses and their behavioural pattern, their standard of life prior to the marriage and subsequent thereto and the circumstances of both the parties in eking out their livelihood and under whose protective umbrella they are seeking their sustenance to life. Given the prevailing socio-economic paradigm in the Indian society, generally, it is the wife's convenience which must be looked at while considering transfer. (emphasis supplied)

10. Further, when two or more proceedings are pending in different Courts between the same parties which raise common question of fact and law, and when the decisions in the cases are interdependent, it is desirable that they should be tried together by the same Judge so as to avoid multiplicity in trial of the same issues and conflict of decisions".

8. It is also relevant to refer the decision made by the Madurai Bench of Madras High Court in TR.CMP(MD)No.108 of 2010 dated



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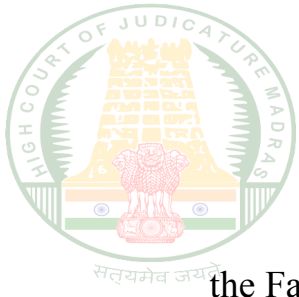
03.03.2011, wherein, it has observed as below:-

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"18.It is true that section 19 of the Hindu Marriage Act, has been amended by insertion of proviso of (iii)(a) to section 19. Of Course, this amended section 19(iii)(a) gives special preference to the wife to file a petition or defending the case of the husband before the Court within whose jurisdiction she resides. The intention of the legislator is to safe-guard the interest and rights of the women, who are being subjected to harassment and cruelty. But this special preference conferred under section 19 (iii)(a) of the Hindu Marriage Act shall not be used to wreck vengeance on the husband. There must be a justifiable cause to select the jurisdiction of the Court where she resides."

9. Considering the proposition laid down in the judgment of the Hon'ble Supreme Court in *N.C.V.Aishwarya* case cited *supra* and also considering the observation made by this Court, wherein, it has been held that convenience of the wife has to be considered, while transferring the case from one Court to another, there can be no impediment for allowing this petition as prayed for.

Accordingly, this transfer civil miscellaneous petition is allowed. The case in H.M.O.P.No.659 of 2024 is hereby withdrawn from the file of the Family Court, Coimbatore and transferred to the file of the Family Court, Erode. The personal appearance of the respondent/husband before



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the Family Court, Erode, is dispensed with. The respondent/husband shall appear before the Family Court, Erode, as and when required. No costs.

Connected C.M.P. is closed.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes; Neutral Citation: Yes/No
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To

- 1.The Judge, Family Court, Coimbatore.
- 2.The Judge, Family Court, Erode.



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M.JOTHIRAMAN J.

nsd

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